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HIGH COMMISSIONER'S PROGRAMME

Fifty-first session

REPORT OF THE SEVENTEENTH MEETING OF THE STANDING COMMITTEE (29 February - 2 March 2000)

I. INTRODUCTION

1. The meeting was opened by the Chairman of the Executive Committee, His Excellency, Ambassador Raimundo Pérez-Hernández y Torra (Spain), who took the opportunity to welcome the delegations of Chile, Côte d'Ivoire and the Republic of Korea as newly elected members of the Executive Committee. The Chairman informed the Committee that delegations of Albania, Burundi, Iraq, Kazakhstan, Lithuania, The former Yugoslav Republic of Macedonia and Zambia had requested to participate in meetings of the Standing Committee during 2000 as Observers in addition to those announced at the Executive Committee's last session, and suggested that their participation begin immediately, in line with the Executive Committee's decision on Observer participation taken in 1999 (A/AC.96/928). Delegations agreed to this proposal. The Chairman also welcomed non-governmental organization (NGO) delegations attending the Standing Committee for a third year as observers, as a result of the decision by the Executive Committee in 1998 (EC/49/SC/CRP.2). His Excellency, Ambassador Ali Khorram, Vice-Chairman of the Executive Committee chaired agenda items 4 to 6(i).

II. ADOPTION OF THE AGENDA OF THE SEVENTEENTH MEETING AND THE WORK PROGRAMME OF THE STANDING COMMITTEE IN 2000

2. The agenda (EC/50/SC/CRP.1) and the work programme of the Standing Committee in 2000 (EC/50/SC/CRP.2) were adopted without revision.

III. DEPUTY HIGH COMMISSIONER'S STATEMENT

3. The Deputy High Commissioner delivered an opening statement to the Standing Committee, highlighting refugee situations around the world and providing delegations with an update on policy developments within UNHCR. He also reflected on his impressions of UNHCR after having completed six months with the Office.

IV. PROGRAMME AND FUNDING

A. Overall programme and funding in 1999 and projections for 2000

4. The Assistant High Commissioner briefed the delegations on the preliminary results of the recent internal prioritisation exercise in relation to UNHCR's operations for the year 2000. One purpose of the exercise was to take early action towards bridging the gap between the approved budget and the anticipated shortfall in funding. He defined the criteria being used as the basis, and announced that a further meeting was scheduled for the end of March 2000, when working budgets would be adjusted in the light of global priorities. The consequences of certain activities not being funded would be shared with delegations later.

5. The Director of the Division of Operational Support presented information on overall programme and funding in 1999 and projects for 2000, as contained in document EC/50/SC/CRP.3. She drew attention to the fact that the 1999 carry-over shown in the table on estimated-requirements in 1999 (Annex I of the document) was now assessed at $86 million.

6. In a short introductory statement on UNHCR's funding strategy, the Director of the Division of Communication and Information briefed the Standing Committee on work undertaken to build new constituencies and increase the scope of public awareness and voluntary funding. A recent appraisal of private sector fund-raising pointed to a significant potential both with the general public and with corporations and foundations. Encouraging links had already been established with several new donors in the private and corporate sector and these would be further developed by UNHCR's newly-established Private Sector and Public Affairs section. The months to come would also see the establishment and strengthening of national associations as part of the overall effort to strengthen ties with civil society.

7. The Head of the Donor Relations and Resource Mobilization Service then briefly reviewed the total income received in 1999, amounting to $1.104 billion. A substantial share had been for the extraordinary needs of three successive emergencies (Kosovo, East Timor and Chechnya). He was pleased to report, however, that UNHCR's regular activities had not suffered seriously as a result of the emergencies, although less visible situations continue to be plagued by systematic shortfalls. He also drew attention to the fact that the percentage of unearmarked contributions (on which many of these situations depended) had continued to decrease, while the carry-over of funds at the end of the year was also much lower than in previous years. Responding to these worrying trends, UNHCR was effecting an ever-increasing control on expenditure and closely monitoring the implementation rates of partners.

8. Funding requirements for 2000, as presented in the Global Appeal, amounted to $965 million, of which $945 million were being sought in voluntary contributions. The newly introduced unified budget, combining General and Special Programmes brought greater transparency, but also resulted in fierce competition for unearmarked funds, requiring greater flexibility from donors. In response, some pledges had been made or promised earlier, while donors were also adapting their conditions to the new budget, and discussing their pledging mechanisms before finalizing their

contributions. While welcoming these positive developments, the Head of the Donor Relations and Resource Mobilization Service concluded by appealing for the committed support of donors towards full and early funding. Without this, it would be impossible to meet the requirements of the budget, as approved by the Executive Committee for the year 2000.

9. In response to these presentations, some delegations expressed concern over the projected shortfall for 2000, and acknowledged the need to ensure that the approved budget is fully funded. Support was again expressed for the newly introduced unified budget. Several delegations pointed out that early contributions as well as a degree of flexibility were essential for the new budget to work, and announced that their contributions would be paid soon and with limited earmarking.

10. One delegation expressed concern that less visible programmes could be under-financed, while another delegation mentioned that NGO partners perceived the prioritization exercise as leading to cuts in budgets for Africa in the course of 2000. The Assistant High Commissioner reassured the delegation that no reduction in the Africa budget was foreseen. In response to a question about the carry-over into the year 2000, it was explained that the adjustment reflected final figures at the recent closure of the 1999 accounts. A breakdown of the carry-over was given.

11. On the question of funding mechanisms, one delegation welcomed the prospect of ongoing informal consultations on budgetary matters. Another delegation recalled that, as discussed previously, there was a need to propose an alternative to the annual Pledging Conference in New York, which had outlived its usefulness.

12. Several delegations suggested amending the second operative paragraph of the draft decision contained in Annex VII of document EC/50/SC/CRP.3, to read "early availability of contributions is essential". With this amendment, the draft decision was adopted (cf. Annex I.A).

B. Africa

13. In a brief opening presentation, the Director of the Bureau for Africa first expressed sympathy for the plight of the people of Mozambique. He then described some of the major political and security developments in sub-Saharan Africa and their impact on UNHCR's work in the second half of 1999 as well as significant features of current activities region by region. In this context, he gave details of the repatriation movements involving Liberian, Sierra Leonean, Chadian, Eritrean and Somali refugees. He also referred to problems currently being encountered in a number of countries, notably the Democratic Republic of the Congo, United Republic of Tanzania, Burundi and Angola . In conclusion he outlined policies and strategies for the coming two years with respect to protection and programme activities, and increased partnerships.

14. In the course of the debate, in which numerous statements were made, broad support was expressed for UNHCR's activities in Africa, and for the policy framework presented by the Bureau Director. Several delegations expressed appreciation for the spotlight placed on African affairs by the Security Council by dedicating its January 2000 session to Africa. The

recent Security Council resolution reinforcing the peacekeeping operation in the Democratic Republic of the Congo was also welcomed.

15. Grave concern was voiced, nevertheless, by many delegations over continued double standards in the level of assistance provided to refugees in Africa as compared to that provided in other refugee situations. One delegation deplored in particular the lack of adequate staffing in several refugee hosting countries, as well as inadequate food supplies. Another delegation raised the question of the erosion of asylum principles in Africa, while an observer delegation, speaking on behalf of the NGOs, drew attention to the issue of access to refugee and displaced populations.

16. Recalling the annual theme of the Executive Committee's fiftieth session, several delegations insisted on the importance of partnerships, notably with the Organization for African Unity, and with other regional and sub-regional organizations. Also in this context, further cooperation with UNDP, the World Bank and other development agencies was encouraged. The Brookings Process was cited as an interesting and promising example of such cooperation. One delegation also referred to hopes that were pinned on the proposed Stability Pact for West Africa as a means of achieving sustainable growth in a region that had been wrought with conflict. Another delegation drew attention to the vital importance of injecting humanitarian concerns in peace settlements, recalling that this issue had been included in the resolution on refugees, returnees and displaced persons in Africa adopted by the General Assembly at its recent session.

17. Several questions were raised concerning UNHCR's involvement with internally displaced persons, with some delegations encouraging a more active role for the organization and others sounding a note of caution. In response, the Assistant High Commissioner explained that UNHCR was currently examining and clarifying its position and that further discussions were planned to take place shortly. He observed, however, that it was not realistic to expect a single organization to be able to take up such a responsibility, and that close coordination with ICRC, NGOs and others was essential, not forgetting the responsibility of national authorities.

18. In his concluding remarks to the Standing Committee, the Director of the Regional Bureau for Africa provided details of several operations in which delegations had shown a particular interest, many of them involving voluntary repatriation. He also specified that, following lengthy discussions with all parties concerned, there was now an agreement in principle on the relevance of the cessation clause to the situation of pre-1991 Ethiopian refugees. However, discussions were ongoing concerning arrangements for its application, which would require a degree of flexibility. He confirmed that more regular briefings would be organized in future on various aspects of UNHCR's operations in Africa, in response to the requests of several delegations. Finally, he called for increased support by donors to supplement UNHCR's meagre resources in Africa, where inadequate staffing and funding were having an adverse effect on both assistance and protection programmes. On the announcement of his retirement Delegations expressed appreciation to the Director of the Africa Bureau for his many years of dedicated service to UNHCR.

C. CASWANAME

19. The Director of the Regional Bureau for Central Asia, Southwest Asia, North Africa and the Middle East (CASWANAME) provided a detailed overview of the region in his strategic oral presentation. The Director emphasized the complexity of the region and the difficulty the international community has in finding solutions to its long-standing refugee situations. He highlighted the efforts being made on behalf of refugee women, refugee children and in developing effective working relationships with national NGOs. He then reviewed the progress made in achieving various goals and objectives in each sub-region during the past year. In concluding, the Director outlined the continuing challenges faced in the region and the Bureau's key operational strategies for meeting them in 2000 and 2001.

20. The Chairman followed with a statement reporting on his recent trip to the Islamic Republic of Iran where he had gone to observe and assess the Afghan refugee situation in the country. In his report, the Chairman reviewed the main features of the Afghan refugee situation in the Islamic Republic of Iran, the problems and difficulties currently faced and concluded with recommendations for further consideration and follow-up.

21. In their interventions, delegations expressed appreciation for the comprehensiveness of the information provided by the Regional Director and the Chairman. While overall support was expressed for the efforts being made by UNHCR and its partners in the region, concern was voiced over the lack of progress in resolving protracted refugee situations, particularly in South-West Asia and Western Sahara. UNHCR was requested to increase its efforts in implementing durable solutions while also ensuring adequate protection and appropriate assistance for these refugee groups. Several delegations indicated their apprehensions about the adequacy of UNHCR's field presence in Iraq and Afghanistan, the involvement of refugees from the region in illegal trafficking in drugs, arms and people, the level of funding for resettlement, the number of protection staff in the region and continuing reductions in UNHCR assistance budgets. Further information was requested on how the Joint Programme for Voluntary Repatriation from the Islamic Republic of Iran would be implemented. Support was also voiced for UNHCR's efforts to increase the involvement of NGOs in its activities and the emphasis on refugee women and children in the region.

22. In responding to delegations, the Director focused on providing further information on the Joint Programme for Voluntary Repatriation in the Islamic Republic of Iran, reiterated UNHCR's commitment to the implementation of the United Nations Settlement Plan for Western Sahara and explained in greater detail activities undertaken by UNHCR inside Afghanistan and Iraq for the benefit of returnees and refugees.

D. Medium Term Plan 2002-2005

23. This agenda item was introduced by the Director of the Division of Operational Support. She explained the relationship of the document before the Standing Committee (EC/50/SC/CRP.4) to the wider United Nations budgetary process.

24. In their interventions, delegations suggested a number of changes and additions. It was felt that some reference to the links between refugee issues and human rights should be added. Other issues to be added or highlighted included that of the security of staff and other humanitarian workers; UNHCR's relations with the military in the delivery of humanitarian assistance; the importance of enhancing UNHCR's emergency response capacity, as well as linkages with other agencies, and the broader challenge of coordinating actors working in the "humanitarian space". The need for UNHCR to address the disparities in the level of assistance provided in different operations around the world was also underlined. One delegation questioned the rather artificial division of the programme into the two subprogrammes of international protection and humanitarian assistance. Greater attention also needed to be given to the programme priorities of refugee women, children/adolescents, the elderly and the environment. The importance of children's education and training was stressed by one delegation. The need for training in the context of capacity-building was also raised. One delegation asked that the list of documents listed under the section entitled "Legislative Mandates" be reviewed to ensure that only documents emanating from inter-governmental bodies be included. Another delegation questioned whether returns must necessarily be voluntary. Some delegations felt that the document should be more results-oriented. In addition, several delegations asked that the draft decision be amended in its operative paragraph 3 to include "policies".

25. On the understanding that the above recommendations would be reflected in the text to be sent to the United Nations Secretariat, the draft decision was adopted as amended (cf. Annex I.B).

E. Structure of the Annual Programme Budget document

26. This item and the related paper (EC/50/SC/CRP.5) was introduced by the Director of the Division of Operational Support. The meeting also had before it a draft decision (EC/50/SC/CRP.5/Add.1). The Director referred to the extensive work undertaken by the Standing Committee in informal consultations on this issue

27. Delegations in their interventions noted that the task of finding a balance between the information they required to approve a budget and the specific needs of the ACABQ would be challenging; the exercise of arriving at the most acceptable programme budget document was an ongoing task. It was important, however, that detailed information on all programmes (objectives, activities, indicators), even if not included in the budget document which would limit itself to major country programmes, be available to delegations on the UNHCR external website. The draft decision was adopted by delegations (cf. Annex I.C).

V. PROTECTION/PROGRAMME POLICY

28. In assuming the Chairmanship of the meeting, the Vice-Chairman provided delegations with a brief report on his mission to Thailand. He shared his impressions of the situation of Myanmar refugees housed on the Thai/Myanmar border and referred to his discussions in Bangkok with senior government officials. Commenting on his initial conclusions from the mission, he encouraged the international community to take robust steps to advance durable solutions for the situation of Myanmar refugees in Thailand. A full

report on his mission and subsequent initiatives taken to follow up his recommendations will be made available during the eighteenth meeting of the Standing Committee in July 2000.

A. Follow-up to Annual Theme of fiftieth session

29. Introducing this sub-item, the Chairman drew attention to the documentation presented to the fiftieth session of the Executive Committee as background to the annual theme (*Strengthening partnership to ensure protection, also in relation to security* (A/AC.96/923)) and to the Chairman's summary of the debate (A/AC.96/928 Annex III). He suggested that the outstanding questions listed at the end of the Chairman's summary could give focus to delegations' comments on the follow-up.

30. In their interventions, delegations felt it was important to integrate issues arising from the debate into the work of the Standing Committee, with a particular focus on how to operationalize them. Some delegations considered that the questions raised by the Chairman were useful starting points for this, but that they needed to be prioritized, with guidance from UNHCR. It was suggested that such an exercise could lead to informal consultations with delegations and the formulation of conclusions for adoption by the Executive Committee. The inclusion of the issue of partnerships in the strategic presentation on Africa was welcomed and this approach was encouraged for future regional presentations. Several delegations made reference to country-specific initiatives since the debate in the plenary.

31. In responding, the Secretary of the Executive Committee informed delegations that UNHCR had undertaken an internal review of the issues arising from the plenary debate. Given the wide-ranging issues raised, these were being analyzed at the level of the Regional Bureaux, and the ideas filtered into regional policies and strategies. In addition, many of the essential elements of the debate were reflected in the General Assembly's "omnibus" resolution on UNHCR, as well as in other General Assembly resolutions on issues of concern to UNHCR. She described this process as the creation of soft law which derived directly from the plenary debate.

B. Refugee Children and Adolescents

32. The Director of the Division of Operational Support (DOS) introduced the document EC/50/SC/CRP.7 entitled, *Refugee Children and Adolescents: a Progress Report*.

33. In the debate that followed, many delegations expressed their interest in a range of issues, including the need to strengthen the possibility of access by refugee children and adolescents to primary and post-primary education, and to skills training. Some also stressed the need to focus on problems of forced recruitment, domestic violence and gender-based violence. One delegation emphasized the importance of maintaining the humanitarian and civilian character of refugee camps to avoid further recruitment of children and adolescents. While the adoption of the term "separated children" as a broader term than "unaccompanied minors" received wide support, one delegation questioned what the impact of this term would be.

34. Some delegations suggested that refugee children and adolescents be included on the agenda of the next Executive Committee session. One delegation expressed support for a conclusion to be proposed by NGOs on refugee and displaced children and adolescents.

35. The need for close inter-agency cooperation was emphasized, notably with UNICEF and UNESCO. Some delegations also requested more quantitative data on activities in favour of refugee children and adolescents, as well as the development of performance indicators. Support was, moreover, expressed for the planned review and update of existing UNHCR guidelines concerning this group.

36. Several delegations commended the training and capacity-building programme Action for the Rights of Children (ARC), and welcomed the evaluation of the impact of this initiative in the course of 2000. The planned evaluation of the role and impact of the Regional Policy Officers posts (Refugee Children) was likewise supported. One delegation suggested that UNHCR might envisage a separate, briefing meeting with these Officers for the benefit of the Executive Committee at its next session. While UNHCR's efforts to promote mainstreaming of refugee children and adolescents into general UNHCR programming was welcomed, some delegations stressed the importance of maintaining specialised staff to work on refugee children's issues and to provide sufficient resources.

37. Responding to questions and concerns raised, the Senior Coordinator expressed appreciation for the interest shown by delegations in UNHCR's work for children and adolescents of concern to the Office, emphasizing that her role supported by the Regional Policy Officers was principally one of advocate. The Committee's continued support was an essential element in the effectively fulfilment of this role.

C. Older Refugees

38. Introducing this sub-item, the Director of the Division of Operational Support made reference to activities undertaken within the context of the International Year of Older Persons, drawing particular attention to the formulation of a policy on older refugees, as contained in document EC/50/SC/CRP.8.

39. While welcoming these efforts, it was pointed out by some delegations that the policy as proposed gave inadequate attention to the specific needs of older refugee women, which varied substantially from those of older refugee men. Amendments to strengthen the gender-sensitivity of the policy were proposed. One delegation also recommended the development of indicators for the purpose of monitoring the implementation of the policy.

40. In a statement on behalf of NGOs, emphasis was placed on the particular hardship suffered by older refugees as one of the most neglected refugee populations. In flight, health and mobility problems placed them at a further disadvantage, while reintegration programmes rarely addressed the unique concerns and needs of the elderly. Poverty and exclusion remained the greatest threats, particularly with the breakdown of traditional support structures. Yet their leadership skills and life experience made them a valuable asset to the community that should be used when designing and delivering programmes. These views were echoed by several delegations.

41. Some delegations raised the issue of UNHCR's capacity to meet the needs of older refugees and of other vulnerable groups, expressing their concern that the presence of Community Services Officers world-wide had decreased, even though they were well represented in the operations in Timor and Kosovo.
42. In conclusion of the discussion, the draft conclusion and policy were adopted, as amended (cf. Annexes I.D and II).

D. Mainstreaming Environmental Concerns in Refugee Operations

43. The Director of the Division of Operational Support introduced the sub-item and related conference room paper, *Mainstreaming Environmental Concerns in Refugee Operations* (EC/50/SC/CRP.9). She paid tribute to the three previous Senior Coordinators for the Environment seconded by the Government of Japan, and thanked those who had funded aspects of UNHCR's environmental activities. The Director pointed out that the functions of the Senior Coordinator had now been assumed by the Chief of the recently established Engineering and Environmental Services Section (EESS). She explained that the strategy of the new section has to focus on the mainstreaming of environmental concerns in the programming process and at all stages of a refugee operation. This would be accomplished through monitoring, with special attention being paid to compliance with policy and guidelines developed by UNHCR.

44. Delegations expressed general satisfaction with the priority given by UNHCR to environmental issues, and with the progress achieved so far in mainstreaming environmental activities, and in developing environmental policies and guidelines. The Office was encouraged to maintain these useful activities and to develop indicators on the implementation of the guidelines. Particular interest was shown in UNHCR's cooperation with donors and other relevant agencies, in particular the United Nations Environmental Programme (UNEP). Some delegations felt that environmental issues could be better addressed in consolidated appeals. Delegations requested that more detailed information on projects be made available by UNHCR, and that progress in mainstreaming environmental concerns and their impact be better evaluated. Two delegations whose countries had suffered environmental degradation as a result of the presence of refugees called on UNHCR for support in redressing the resulting adverse environmental impact. The Chief of EESS responded to the various interventions and assured delegations that UNHCR would maintain its level of activities in this field. The draft conclusion on mainstreaming environmental concerns in refugee operations was amended notably to emphasize the importance of partnership and cooperation with other relevant actors. It was adopted as amended (Annex I.E).

E. Statistics and Registration

45. The Director of the Division of Operational Support presented *Statistics and Registration: A Progress Report*, contained in EC/50/SC/CRP.10.

46. Several delegations expressed appreciation for the information as contained in the conference room paper, as well as for other statistical reports and analyses prepared during 1999. Particular interest was shown in the statistical findings on gender, children and the elderly. The new activities presented in the progress report were also welcomed.

47. Recognizing the absence of appropriate refugee data from industrialized countries, one delegation suggested that this information might be gathered from statistics made available by other international organizations. Another delegation requested that national practices in recording asylum-seeker and refugees be further documented. Delegations stated that further progress could be achieved in the area of registration and asked UNHCR to describe the steps that were being taken to improve UNHCR's registration capacity. In this regard, reference was made to recommendations contained in the independent evaluation of UNHCR's response to the Kosovo refugee crisis.

48. In responding, the Senior Statistician recognized the importance of further documenting the differences in national practices in compiling statistics. He also highlighted the high level of interagency cooperation and information-sharing on data collection. It was stressed, however, that UNHCR attached great importance to compiling statistics on refugees and others of concern to the Office. In addition, delegations were informed that progress in the area of registration was expected in the context of project PROFILE. A feasibility study on this project was about to be launched. At the same time, UNHCR's registration capacity would be strengthened.

F. Reintegration

49. The Deputy High Commissioner introduced this sub-item, drawing attention to the conference room paper entitled *Reintegration: a Progress Report* (EC/50/SC/CRP.11). He highlighted the urgency UNHCR was placing on addressing the gap between immediate reintegration assistance and longer-term development efforts, and its desire for practical and tangible results. Support for local capacities was suggested as one means of achieving this.

50. A number of delegations expressed satisfaction with the increased interest and actions being directed towards bridging the gap between relief and development in Africa, especially within the context of the follow-up to the Brookings Roundtables. While recognizing the extent of the challenge, one delegation commended the international community as a whole, by attributing the progress achieved over the past year to the commitment and consistent work of all organizations to strengthen traditional partnerships and to forge those that are new. Another delegation pointed out that the most important aspect of the current discussion on the "gap" is the emphasis on reviewing coordination tools, since commonly-agreed operational responses are critical to addressing cross-border issues. Several delegations called for the reinvigoration of existing structures and arrangements, and the inclusion of other actors, such as the private sector, without creating new bureaucratic layers.

51. The UNDP participant drew attention to other fora where the issue of reintegration was being discussed, namely the OECD/DAC Task Force on Peace, Conflict and Development and the Inter-Agency Standing Committee (IASC) Reference Group. Major concerns identified in a report by the IASC Working Group were highlighted. These included the need for the international community to have a community-based response; the importance of not exacerbating funding gaps; the priority that should be given to proactive approaches to conflict prevention; and the need for more flexibility, adaptability and coordination on the part of the United Nations. A number of delegations gave specific examples of how assistance from the international community was essential to sustainable peace, and one delegation also drew

attention to the importance of supporting reintegration following displacement resulting from natural disasters.

52. In the course of the debate, one delegation expressed the hope that UNHCR's *Operational Framework for Repatriation and Reintegration Activities in Post-Conflict Situations* would be issued rapidly and shared with other agencies, in order that its contents could be translated into action.

VI. COORDINATION

53. In her regular oral update, the Head of the Secretariat and Inter-Organization Service briefly reviewed main developments since the sixteenth meeting of the Standing Committee in September 1999. Priority issues on the agenda of the Administrative Committee on Coordination (ACC) had included an urgent focus on security following the killing of aid workers in Burundi in late 1999, the functioning of the Resident Coordinators system and the review of its own mechanism. Recent meetings of the Inter-Agency Standing Committee (IASC) and of its working groups had concerned subjects such as the protection of internally displaced persons, post-conflict reintegration, and the Consolidated Appeals process (CAP). Several IASC sub-working or reference groups had been discontinued having completed their work, while new task forces had been established on security and HIV/AIDS. She also gave information on arrangements for the humanitarian segment of ECOSOC's forthcoming substantive session. She concluded with a reference to more specific coordinating initiatives at a bilateral level, involving World Food Programme (WFP) and the International Organization for Migration (IOM).

54. Commenting on these various developments, several delegations noted their interest in the discussions underway on the question of internally displaced persons. They pointed to the need for a careful review of this issue by the relevant coordinating bodies, emphasizing the value of a collaborative approach. Referring to the CAP, one delegation observed that, while some improvements had been achieved, more could be done to ensure that the process served effectively as a tool not only for resource mobilization, but in planning for emergency response at field level.

VII. STATEMENT BY THE CHAIRMAN OF THE UNHCR STAFF COUNCIL

55. In the course of the meeting, the Committee was provided with an update on the activities of UNHCR's Staff Council. In delivering his statement, the Chairman of the Staff Council highlighted issues related to the newly instituted promotions and posting regulations, the safety and living conditions of staff in the field and the need for sufficient resources to enable the Staff Council to be effective. One delegation expressed appreciation for the presentation and the Chairman of the Staff Council was encouraged to continue to inform the Standing Committee of its activities.

VIII. GOVERNANCE

A. Selection of Annual Theme for fifty-first session

56. The Chairman opened discussions on the annual theme for the fifty-first session of the Executive Committee, recalling the decision by the Standing Committee in 1996 whereby the selection of the annual theme would take place in two stages. In their preliminary consideration of the annual theme,

delegations suggested that its focus should give recognition to UNHCR's 50th anniversary and encourage reflection, as well as be orientated towards solutions and support to hosting States, and future action. Several propsals were put forward for the title of the theme and the need for a succinct, clear title which is forward looking and based on historical analysis was emphasized. Delegations were reminded that final consideration of the annual theme will take place during the eighteenth meeting of the Standing Committee in July 2000. In the meantime, the Vice-Chairman undertook to consult with delegations and the High Commissioner on the title of the theme.

B. Revitalization of Executive Committee's format

57. In reassuming the Chairmanship of the meeting, the Chairman of the Executive Committee drew attention to the contents of document EC/50/SC/CRP.6, proposing enhancements to the format of the Executive Committee's fifty-first session, of which the general purpose was to ensure more interactive and productive discussions. He recalled that the new arrangements and draft programme were the result of consultations that had taken place over the past months, in which members had participated actively and which had also benefited from input from the High Commissioner. The new features mainly concerned arrangements for the annual theme debate, the introduction of a panel session and increased opportunities for briefings on specific field operations.

58. One delegation proposed exploring ways of strengthening the link between the pre-Executive Committee meeting of NGOs and the session itself, in order to give more prominence to NGO concerns. This was supported by an observer speaking on behalf of NGOs, who also welcomed the possibility of participating in the panel discussion.

59. While welcoming the new arrangements notably those that concerned the annual theme debate, doubts were expressed by some delegations as to the feasibility of sharing outlines of their statements ahead of time. One delegation advised that exceptions to the five minute rule on statements should be defined more clearly. Another delegation also warned that the number of panellists should not be too high.

C. UNHCR's 50th anniversary

60. UNHCR's Senior Coordinator for the 50th anniversary presented delegations with an update on planned activities to commemorate the 50th anniversary of the Office. He pointed out that the focus of activities would be to change perceptions of refugees and break the often negative stereotyping of them, and to launch a Refugee Education Trust as a lasting outcome of the event. The actual anniversary falls on 14 December, and the Senior Coordinator described a number of initiatives that are being planned around this date, including the launching of a special 50th anniversary edition of *The State of the World's Refugees*; a website displaying a gallery of prominent refugees; a public awareness campaign entitled "respect for refugees" and several exhibitions; commemorative stamps; and a photo book of refugee children.

IX. THE INDEPENDENT EVALUATION OF UNHCR'S RESPONSE TO THE KOSOVO EMERGENCY

61. At the invitation of the Chair, the leader of the evaluation team, Dr. Astri Suhrke, opened the discussion by briefly discussing the process that had been followed in preparing the report, and summarizing its findings. In short, the report's main conclusion was that UNHCR had made a relatively weak performance in a very difficult situation. It had not utilized its existing emergency preparedness and response capacity as well as it could have done, and had shown a lack of professionalism in terms of management, staffing, training, and systems. The crisis had, however, been characterized by pronounced bilateralism, causing severe problems of coordination and differing standards of assistance, and undermining any multilateral capacity. NATO's role had resulted in blurring the distinction between military and humanitarian action. Even though their role had been more positive than negative, it had served to underline the need to strengthen the civilian response.

62. The recommendations of the evaluation report ranged from those with broad policy implications to specific operational proposals. On assistance, the report concluded that UNHCR should not seek to develop an in-house capacity to deal with massive emergencies, but should rather strengthen its capacity for strategic planning and coordination of external resources. On protection, it found that burden-sharing had proved essential, and should be promoted in cases of mass influx into small and vulnerable States as had happened in the Kosovo crisis. On coordination, there was a need to strengthen the existing framework involving States and NGOs. In a massive emergency demanding a coordinating capacity exceeding that of UNHCR, more use should be made of OCHA.

63. Summarizing UNHCR's response to the evaluation report as contained in document EC/50/SC/CRP.12, the Assistant High Commissioner confirmed that UNHCR agreed with many of the findings regarding its performance, especially with respect to weaknesses in its management structures, contingency planning and response in getting enough people with the right experience on the ground in time. These factors had had a negative impact on UNHCR's capacity to coordinate. On a more positive note, UNHCR welcomed the evaluation's recognition of UNHCR's improved performance in terms of protection. He also noted that the report covered a relatively limited period, from March until June 1999, and that UNHCR had taken steps to improve its performance since that time. It had also conducted an internal review of emergency preparedness which had identified three priorities for immediate reinforcement: improving field-level management capacity; enhancing emergency management at Headquarters; and ensuring the ready availability of equipment and relief items for emergency operations. Proposals were contained in an information note provided at the meeting (EC/50/SC/INF.1). In conclusion, he noted that it was up to States to determine how much they were prepared to finance in terms of UNHCR's emergency response capacity.

64. In the ensuing debate, many of the delegations commended the high quality of the evaluation report, found to be well-balanced and a fair reflection of the international community's response. UNHCR was also commended for its courage in initiating such a transparent and unprecedented review of its operations.

65. There were also many expressions of concern over the conclusions reached on UNHCR's weak emergency preparedness and response capacity. One delegation observed that UNHCR should focus on its primary mandate - that of protecting and assisting refugees - rather than broadening its mandate to internally displaced persons. Delegations agreed that there was a limit to the level of preparedness that could be realistically expected. Large crises such as the Kosovo refugee exodus were considered beyond the capacity of any one agency, and required the mounting of a multifaceted relief effort. UNHCR's effort should focus on improving its capacity for strategic planning to mobilize other external resources, and to coordinate them properly. Pointing to the need to address shortcomings in the organization's emergency response capacity in terms of personnel management, deployment and training, some delegations felt that further detailed discussions on this aspect of the evaluation were necessary, including the level of financial commitment required.

66. On the question of coordination, several delegations felt that while UNHCR should clearly take the lead on matters of protection, the coordination of assistance should more properly be dealt with by OCHA. A number of delegations called for a clearer definition of "lead agency" especially in terms of NGO involvement, while the need to clarify the status of OCHA staff seconded to UNHCR was also highlighted. On the issue of protection, several delegations commended UNHCR for its vigorous efforts to defend the principle of first asylum, while one delegation felt that the concept of "humanitarian transfer" should be explored more thoroughly, particularly in cases of small vulnerable states where national security was called into question. Several delegations considered that UNHCR had performed poorly in the registration process, a critical element of the protection response, and that it must improve its capacity in this area.

67. Delegations voiced mixed views on the role of the military in humanitarian operations, with most acknowledging the benefits in terms of provision of assistance in the Kosovo case, while reiterating the need for the role of the military to be subsidiary to that of civilian actors. One delegation expressed concern that the participation in humanitarian action of the military forces of belligerent parties inevitably affected the impartiality and neutrality of such action, and should not occur.

68. A number of delegations also recognized the responsibility of States themselves in the response to the crisis, acknowledging that uncoordinated bilateral action had been a major complicating factor. There was a need to examine the role of States in crises of this kind, and to define more clearly what was expected from UNHCR. One delegation proposed that this could be the subject of more detailed consultations.

69. In statements by two delegations from the region, details of the circumstances that had led to the Humanitarian Evacuation Programme were described. The attention of the international community was also drawn to ongoing tensions in Kosovo and the need for continued assistance both for reconstruction and in assisting refugees remaining in asylum countries.

70. Speaking on behalf of NGOs, ICVA felt that the evaluation process had not sufficiently included NGOs, and that there remained a need for wider reflection on the issues raised in the evaluation with a greater number of stakeholders, including NGOs, NATO, OSCE, etc. This delegation also insisted

on the fundamental obligation of States to respect their first asylum responsibilities. It furthermore challenged the role of the military in humanitarian work.

71. Finally, delegations requested UNHCR to develop an action plan on the follow-up to the recommendations of the evaluation, which should include a timeframe for the review and implementation of the various recommendations.

72. In closing, the Assistant High Commissioner said that UNHCR would be launching a consultative process with States and all relevant actors on next steps in acting on the recommendations both of the evaluation report and UNHCR's own internal review. Discussions for this purpose would be held with the Chairman of the Executive Committee.

X. ANY OTHER BUSINESS

73. There being no further business, the Chairman adjourned the meeting.

DECISIONS AND CONCLUSIONS
(as adopted at the 17th meeting of the Standing Committee,
29 February - 2 March 2000)

A. DECISION ON PROGRAMME AND FUNDING
(Item 3(i))

The Standing Committee,

Recalling the Executive Committee's decision at its Fiftieth Session programme, administrative and financial matters (A/AC.96/928, para. 23);

(a) *Notes* that the UNHCR's overall needs for 2000, based on currently known requirements amounts to $ 965.3 million, comprising $ 933.6 as approved by the Executive Committee (that includes the allocation of $ 20.4 million from the United Nations Regular Budget) and the two Supplementary Programmes totalling $ 31.7 million;

(b) *Stresses* that with the introduction of the unified programme budget for the year 2000, early availability of contributions is essential to allow the continuation and timely implementation of the UNHCR's Programmes, and appeals to donor Governments to make known their contributions as soon as possible.

B. DECISION ON MEDIUM-TERM PLAN
(Item 3(iii))

The Standing Committee,

(a) *Notes* the attached draft of Programme 21: *Protection and Assistance to Refugees* of the United Nations Medium-Term Plan 2002-2005;

(b) *Requests* that any proposals put forward by the Standing Committee on the Medium-Term Plan be reflected in the draft to be submitted by the United Nations Secretariat for further review by the ACABQ, the CPC, ECOSOC and the General Assembly, in the course of 2000;

(c) *Reaffirms* that the Executive Committee will, in accordance with its terms of reference, continue to provide appropriate guidance on UNHCR's policies, programmes and activities;

(d) Further *proposes* that the Executive Committee will, at the appropriate time, review the Plan in order to adjust objectives and priorities in the light of evolving circumstances, General Assembly resolutions or decisions by the Executive Committee.

C. DECISION ON ANNUAL PROGRAMME BUDGET
(Item 3(iv))

The Standing Committee,

(a) *Notes* the recommendations of the ACABQ as found in its Report of 1999 relating to the format of the new annual programme budget document (A/AC.96/916/ Add.2, paras. 3,4);

(b) *Notes* proposals made by UNHCR in EC/50/SC/CRP.5 concerning the new programme budget document, as well as comments by Member States;

(c) *Endorses* UNHCR's proposals in respect of the cut-off date of the new document for the year 2001;

(d) Also *endorses* UNHCR's proposals in respect of the length of the document, while observing that the document must still contain all information necessary to allow the Executive Committee to approve the Annual Programme Budget;

(e) *Requests* UNHCR to give full consideration to all the recommendations of the ACABQ with respect to streamlining the budget document, with particular emphasis on:

(i) eliminating tables and narrative on programme categories that are no longer relevant;
(ii) making the narrative more concise and focused;
(iii) eliminating information in the narrative that could be inferred from the tables;
(iv) using graphs and charts in lieu of narrative;
(v) eliminating duplication between the Annual Programme Budget and the Annual Global Appeal.

(f) Further *requests* UNHCR to:

(i) maintain, but in abbreviated form, the objectives and outputs for major country programmes in the 2001 annual programme budget document, and to make arrangements to provide detailed information on all country programmes on the UNHCR external website;
(ii) establish consistent criteria across countries for the number, type, length and quality of objectives, outputs and indicators, with a view to limiting the amount of information presented in the budget document.

(g) *Decides* to review the effectiveness of these changes prior to preparations of the annual programme budget for the year 2002.

D. CONCLUSION ON OLDER REFUGEES
(Item 4(i))

The Standing Committee,

Welcoming the increased attention given to older refugees through the United Nations International Year of Older Persons (1999);

Noting with satisfaction the various initiatives taken by UNHCR in the context of the International Year;

Welcoming in particular the formulation of a policy on older refugees, as contained in EC/50/SC/CRP.13 Annex II;

(a) *Endorses* the contents of this policy, as amended, and the integrated approach and general principles on which it is based;

(b) *Encourages* the High Commissioner to ensure its full and active implementation;

(c) *Requests* to be kept informed on a regular basis of progress achieved with respect to UNHCR's activities for the benefit of older refugees.

E. CONCLUSION ON MAINSTREAMING ENVIRONMENTAL CONCERNS IN REFUGEE OPERATIONS (Item 4(iv))

The Standing Committee,

Recognizing the activities already undertaken by UNHCR to mainstream environmental considerations into its programmes,

(a) *Notes* the usefulness of the environmental policy and guidelines developed by UNHCR;

(b) *Welcomes* UNHCR's continued efforts to promote suitable responses to environmental concerns in its refugee operations through the integration of environmental principles into its management and training tools;

(c) *Encourages* UNHCR to enhance its coordination and partnership with other relevant actors, particularly the United Nations Environment Programme (UNEP), notably in addressing the environmental impact of large numbers of refugees on host countries;

(d) Further *encourages* UNHCR, in coordination with relevant actors, to promote assessment and monitoring of all activities for environmental impact in refugee hosting and returnee areas.

UNHCR's
POLICY ON OLDER REFUGEES
(as endorsed at the 17th Meeting of the Standing Committee
29 February - 2 March 2000)

I. PRELIMINARY OBSERVATIONS

1. Older refugees make up a larger proportion of the UNHCR caseload than may be generally recognized. It is commonly assumed that older people are more likely to choose to stay in their place of origin, or, more tragically still, to perish in flight or to pine away and die in exile. In fact, older refugees make up some 8.5 per cent of the overall population of concern to UNHCR, and reach up to more than 30 per cent for some caseloads. The majority of these older persons are women. The definition of an older person adopted by the World Health Organization is a person over 60 years old. However, the application of this policy will respect factors such as life expectancy and cultural norms that differ from region to region.

2. While the plight of older refugees can be severe, they should not be seen only as passive, dependent recipients of assistance. This policy seeks to highlight that older refugees often serve as formal and informal leaders of communities; they are valuable resources for guidance and advice, and transmitters of culture, skills and crafts that are important in preserving the traditions of the dispossessed and displaced. Older refugees can and do make an active contribution to the well-being of their next-of-kin, and only become totally dependent in the final stages of frailty, disability and illness. Older persons have taken the lead in return to countries as far afield as Croatia and Liberia. Older persons can also contribute to peace and reconciliation measures. Good programming requires that these roles are utilized. Alongside these positive aspects, however, are a number of needs that characterize the situation of older refugees.

II. THE CHALLENGES

3. Three major problems facing most refugees, in particular older refugees, are: social disintegration, negative social selection and chronic dependency. In the case of the older refugees these problems are often compounded.

4. Social disintegration occurs as the formal or informal social support systems erode in periods of economic decline or when war, flight, economic or security pressures cause the separation and dispersal of families. In either case, the number of elderly persons in need, and who are left to their own resources, increases. In many cases, families have had to make painful choices about abandonment in order to survive. In Eastern Europe, the comprehensive pension, health care and social welfare systems have not survived the transition to a market economy, which has led to a dramatic drop in the standard of living of all those who had to depend on welfare provided by the State, most especially the old. Elderly internally displaced and returnees have been particularly affected. Hardest hit are the victims of forced displacement who have lost not only their former entitlements but also their homes and other economic assets. A further aggravating factor has been

the erosion of traditional support networks. Economic decline, social mobility and the pace of social change have eroded community values, so that the old, in particular older refugees, may no longer enjoy the same authority, care and attention that they had in the past. In addition, the scourges of HIV/AIDS and war have often wiped out an entire middle generation, thereby contributing further to the disintegration of the social fabric; invariably, it is the older refugee who is called upon to assume more immediate responsibility towards the younger members of the family.

5. Negative social selection occurs when refugee camps and collective centres empty over time, with those who are young, healthy and able-bodied the first to depart, leaving behind the weaker and more vulnerable members of the group, namely the sick, the handicapped, single mothers with young children and the elderly. When resources are limited, these groups are particularly vulnerable. The plight of the elderly is particularly tragic. Often they have nowhere to go and no one to take care of them. In this way, some collective centres in Central and Eastern Europe have become geriatric wards in all but name.

6. This residual caseload of solitary older persons, unable to secure State benefits or family support, may become dependent on UNHCR for long periods of time. Here UNHCR faces a particular challenge. It must work to ensure that their experience of exile is not compounded by poverty and destitution, while seeking to avoid chronic dependency by helping them regularize their status and obtain access to all possible benefits, entitlements and rights. This is not an easy task where dramatic social and economic change in asylum countries has caused a marked decline in the living standards of all residents.

7. A comprehensive policy on elderly refugees must take into account both these needs and the contribution they are able to make, commensurate with their age and status.

III. AN INTEGRATED APPROACH

8. UNHCR's management of refugee protection and assistance programmes requires that its staff and those of implementing partners recognize the different needs and potential of all refugees, be they young or old. Their needs are not well served when, particularly in emergencies, refugees are treated as an undifferentiated mass of humanity. To ensure that UNHCR's programmes become more sensitive to the needs and potential contribution of older refugees, a specific policy on older refugees is needed.

9. Older people's needs must not, however, be addressed in isolation. They are met normally and most effectively within the context of family and community of which they are a part. Consequently, UNHCR needs to strengthen the capacity of families and communities to meet their own needs and incorporate older people within them. Thus this policy should be seen as linked to the High Commissioner's Policy on Refugee Women and the Policy on Refugee Children. Efforts to mainstream the policy priorities relating to refugee women, children and adolescents, need to be extended to the elderly.

10 Older people of concern need to be integrated within UNHCR's overall protection and assistance programming process. Although often at a disadvantage through reduced physical capability, older persons are a valuable resource with much to offer. The potential contributions of older persons must not be overlooked. They are people with a wealth of accumulated experience and knowledge, well able to participate in decisions and activities that affect their own lives and those of their families and communities. Efforts on behalf of older refugees that see them only as vulnerable individuals to be fed and sheltered are not sufficient; they must be treated as contributing members of their communities.

IV. ORGANIZATIONAL GOAL

11. UNHCR's primary goal in relation to older refugees is that:

> Older male and female refugees, and other older persons of concern to the Office, live their latter years in dignity and security, contributing actively to their families and communities for as long as it remains possible for them to do so, and are offered care and support if they become physically or mentally frail.

V. GENERAL PRINCIPLES

12. In formulating this Policy, UNHCR re-affirms its support for the United Nations Principles for Older Persons, based on the International Plan of Action on Ageing[1].

VI. OBJECTIVES

13. On the basis of these Principles, UNHCR staff, and those of its implementing partners, should endeavour to address the protection and assistance needs of older persons of concern to UNHCR in a gender-sensitive manner and ensure their equality of access to all measures that will promote their participation and well-being. To this end, UNHCR staff will pursue the following specific objectives:

(i) Early identification of, and care for, older persons with special needs in an emergency;

(ii) The protection of older persons at risk from neglect and abandonment;

(iii) The regularization of the status of older persons so that they can receive benefits to which they are entitled;

(iv) The consistent incorporation, from the beginning of a refugee situation, of gender and age-sensitive protection and assistance criteria that will thus be useful for assessing, monitoring and addressing the needs and vulnerabilities of older persons;

(v) The improvement of the efficiency and effectiveness of protection and assistance programmes by ensuring that adequate attention is given to the needs and resources of all members of the population in a way that takes into account specific needs deriving from gender;

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[1] General Assembly resolution 46/91, 16 December 1991.

(vi) The improvement of data collection and needs assessment in order to have a more accurate picture of the refugee population and hence more effective targeting of programmes for specific age and social groups;

(vii) In all phases of programme planning and implementation, the role and potential contribution of older refugees should be borne in mind; in this way, they will have the means and opportunities, wherever possible, to continue to realize their potential; such an approach would also promote better community care initiatives for the very old;

(viii) A strengthened community services input in UNHCR programmes to ensure effective outreach to all refugees, and a holistic approach which sees older refugees as part of family and community;

(ix) Responsible phasing-out of UNHCR care for older persons of concern, through the establishment of programmes by local NGOs, relevant Government Ministries (not solely the Ministry responsible for refugee affairs) or in conjunction with international development agencies. Such phasing out must include a component of capacity-building of national and local structures, where necessary;

(x) The training of UNHCR and implementing partner staff based on more in-depth study of the different needs related to the gender of the elderly population, so as to understand and address appropriately, within their areas of competence, the specific needs of older persons;

(xi) The promotion of awareness of, and response to, the particular needs of older refugees through information strategies directed at the Governments of both countries of asylum and countries of origin, donors, NGOs, other United Nations bodies and the public at large.

VII. CONCLUSION

14. Older refugees will always have special needs, but the High Commissioner does not call for addressing the needs of older refugees separate from those of other refugees. Indeed UNHCR's Policy on Older Refugees has been formulated with the hope that future efforts on behalf of older persons will have become so well integrated into all aspects of protection and programme planning and implementation that a separate Policy on Older Refugees will cease, in time, to be necessary. Commitment to, and due regard for, the components of a policy aimed at older refugees are pre-requisites for ensuring their participation and well-being. Much of what remains to be done for older refugees, therefore, can be accomplished with the resources normally provided by host governments and the international community.

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NOTE ON INTERNATIONAL PROTECTION

I. INTRODUCTION

1. The Note on International Protection is traditionally the means by which attention is drawn to major protection challenges over the previous year and the manner in which they have been addressed. In this, the 50th anniversary year of the Office of UNHCR, the particular focus of the Note is on how UNHCR strives to meet these challenges -- by which means and with which tools -- in fulfilling its mandate responsibility for international refugee protection. The common theme running through this year's Note is how protection can be operationalized, or made more effective through concrete activities.

2. UNHCR's international protection function has evolved greatly over the past five decades from being a surrogate for consular and diplomatic protection to ensuring the basic rights of refugees, and increasingly their physical safety and security. While the main responsibility for safeguarding the rights of refugees lies with States, UNHCR's statutory role is to assist governments to take the necessary measures, starting with asylum and ending with the realization of durable solutions.

3. In fulfilling its mandated responsibility to ensure international protection to refugees and to work with States to find solutions to their problems, UNHCR has had to contend with a rapidly changing and complex environment in which the -- real or perceived -- political, security, economic and social costs of hosting refugees have affected the willingness and capacity of States to receive refugees. On the one hand, the proliferation of internal and inter-state conflicts has continued to produce new outflows in the past year, particularly in Africa, while on the other, solutions to many large-scale and long-standing refugee situations have remained elusive. Problems of illegal migration, smuggling and trafficking of persons in some parts of the world, and the security dimensions of refugee problems in some other regions, have compounded the situation, leading

increasingly to politicization of the institution of asylum, and in some states, to a tendency to criminalize refugees and asylum-seekers.

4. Against this difficult background, the nature and content of UNHCR's international protection function has come under increasing scrutiny. The Office is frequently asked what its international protection mandate actually entails, especially when exercised in fragile host States or countries of origin. Some States are challenging the exercise by UNHCR of its statutory and hence mandatory protection responsibilities. In situations of large-scale influx, international assistance to affected States has increasingly overshadowed issues of international protection, causing confusion over the relationship between protection and assistance. To complicate matters further, a plethora of varying notions of protection has emerged recently in the international debate. In view of all this, there is a need to demystify protection and clarify its content. International protection is not an abstract concept. It is a dynamic and action-oriented function. It encompasses a range of concrete activities, covering both policy and operational concerns, and is carried out, in cooperation with States and other partners, with the goal of enhancing respect for the rights of refugees and resolving their problems.

5. This Note examines UNHCR's organizational practice around four principal protection challenges confronting the Office: (a) ensuring the availability and quality of asylum; (b) revitalizing the refugee protection system; (c) promoting durable solutions from a protection perspective and engaging in in-country protection activities; and (d) fostering partnerships in support of the international refugee protection system.

II. AVAILABILITY AND QUALITY OF ASYLUM

A. Background

6. Access to safety, as well as continued protection in host countries, remain vital for the world's refugees. Many States, often those with the most limited resources, have continued to admit and host large refugee populations in their territories. The quality of asylum has, however, deteriorated in a number of countries, including in several regions with a tradition of generous asylum policies. The reasons underlying this change include the economic and social difficulties of hosting large refugee populations, national security considerations, as well as concerns about the use of asylum procedures by illegal migrants, and trafficking and smuggling of persons.

7. While a general trend of tightening borders is discernible throughout the world, there are many regional differences. In some regions, refugee camps have remained particularly prone to politicization and militarization, especially when close to the border with the country of origin. The presence of armed elements in camps and refugee-populated areas has posed serious security risks and their separation from refugee populations has proven to be extremely difficult. Instances of forced conscription of refugees, often minors, the trafficking of refugee women, and beatings and mistreatment by officials have been reported in camps in some countries. The vulnerability of women refugees to sexual violence and of refugee children to exploitation and abuse are particularly disturbing. In some regions, problems have

persistently arisen with regard to the safe and unhindered admission of refugees to countries of asylum. Instances have also occurred where refugees and asylum-seekers were *refouled*, or repatriated against their will, although there was a clear risk to their safety upon their return.

8. In countries with legally sophisticated asylum systems, concerns about the trafficking and smuggling of persons have led to the introduction of tighter control measures. Recent legislative changes have been built around migration control, the method of arrival, and limiting safeguards for asylum-seekers. Often, these changes, coupled with a range of border control measures, do not distinguish between those seeking asylum for protection reasons from others. Preserving the right to seek asylum remains, however, imperative. Policies of deterrence have also blurred distinctions between refugees and economic migrants while stigmatizing refugees as people trying to circumvent the law. Once refugees reach safety, their often prolonged detention remains a concern in a number of countries.[1] Rigid time-limits for filing asylum applications or differential treatment for refugees depending on the method of arrival or the ethnic origin of the applicant have been instituted over the past year. Of particular concern has been the treatment of separated and unaccompanied children and family groups held in detention. Equally, in the area of family reunification,[2] practices in a number of countries have made it impossible for family members to be reunited, which has impacted negatively both on their longer-term integration prospects and on their capacity in the short term to adjust to their new situations.

B. Operational activities to strengthen asylum

9. Against this background, the challenge of international protection is to secure admission, asylum, and respect by States for basic human rights, including the principle of *non-refoulement*.

Receiving asylum-seekers and refugees

10. UNHCR has undertaken various operational measures to enhance the capacity of States to receive and protect refugees. Active monitoring by UNHCR through its field presence, backed by a range of operational activities described below, has been instrumental in these endeavours. Field presence was quickly established in a number of locations faced with large-scale influx to assess the well-being of refugees, including their personal security needs in reception centres, camps or refugee-populated areas. UNHCR has worked, often successfully, to ensure that governments take the necessary action to identify and protect all persons deemed to be in need of international protection, including persons seeking admission at their borders who may be refugees. In a number of countries, UNHCR has established special monitoring arrangements at the frontier. Roving protection teams have been dispatched to areas where refugees were expected to arrive, while in some countries UNHCR has involved the host communities in border areas in

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[1] UNHCR drew attention to the increasing institutionalization of this practice in its *Note on Detention of Asylum-Seekers and Refugees* (EC/49/SC/CRP.13) presented to the Standing Committee's 15th meeting, stressing that much remains to be done to improve conditions, to end mixing asylum-seekers with criminal detainees, explore alternatives to detention and alleviate the hardship imposed on families.

[2] See *Note on Family Protection Issues* (EC/49/SC/CRP.14), presented to the Standing Committee's 15th meeting.

the design, implementation and monitoring of reception activities, for instance, by creating local refugee reception committees. In other situations, UNHCR has provided support to host families to accommodate refugees. Involving the host communities has not only helped to ensure the proper reception of refugees but also to sensitize the local population, thus reducing tensions and increasing their acceptance. Since registration and documentation are crucial both for identification and protection purposes, especially in the sensitive admission and reception phase, UNHCR has supported a number of States in setting up registration and documentation systems, using modern technology. This has helped to prevent *refoulement* and to design assistance programmes based on precise data.

11. In turn, appropriate assistance programmes have greatly facilitated the exercise of UNHCR's protection function, particularly in addressing immediate needs upon arrival and in facilitating ongoing dialogue with government counterparts. UNHCR's assistance programmes have, by definition, a protection dimension. Choices made in assistance sectors, from camp design and layout, distribution of humanitarian relief items to longer-term programmes to help refugees remain in host countries, have had manifest and profound protection implications, especially in those countries faced with new refugee arrivals over the past year. Material assistance was an essential factor in the realization of basic refugee protection ranging from respect for physical integrity and freedom of movement to adequate living standards, including non-discriminatory access to humanitarian assistance, health care, education and employment.

12. The effectiveness of these and other operational protection activities, as described below, hinges to a large extent on prompt and unhindered access by UNHCR to refugees and asylum-seekers, even when they are detained. However, denial of access by States, insecurity, as well as funding constraints affecting staff deployment, have seriously hampered UNHCR's ability and capacity to monitor, report on and follow up its interventions with governments in a number of countries.

Intervening with authorities

13. Making representations to governments and other relevant actors on protection concerns is another part of UNHCR's operational protection activities in countries of asylum. It would indeed be difficult to quantify the many formal and informal interventions by UNHCR with authorities at all levels that occur on a daily basis to improve the admission, reception and treatment of refugees. Such interventions range from regular contacts with government counterparts to formal representations. In a number of countries, a monthly "*jour fixe*" with high-level government counterparts was instituted to address protection concerns as they arose. Interventions range from admission and reception to standards of treatment and regularization of stay or return. In one country, painstaking negotiations and sustained representations resulted in an agreed, written understanding on screening procedures and appropriate standards of treatment. A number of high-level missions were also undertaken to countries where there was either a stalemate in the pursuit of durable solutions or a particularly difficult protection situation. As a result, some situations were resolved or at least stabilized. UNHCR's protection representations have involved a broad range of actors. In a welcome development in several countries, UNHCR was

requested to make submissions to parliamentary committees on issues relating to refugee law. Bringing the various governmental and non-governmental actors together is another important factor, as demonstrated in one country in Southern Africa where, in a difficult emergency situation, UNHCR organized a roundtable for government officials, military personnel and operational partners. This approach enabled the conclusion of an agreement on a whole spectrum of action-oriented protection issues related to a large-scale influx.

Ensuring physical safety

14. The issue of maintaining the civilian and humanitarian character of refugee camps and settlements, and ensuring the physical safety of refugees, led UNHCR to develop the concept of the "ladder of options", or a variety of approaches to deal with varying degrees of insecurity.[3] Recognizing that host States might not always have the capacity to establish and maintain the rule of law in refugee-populated areas, UNHCR has sought to mobilize international resources to strengthen the national and local law-enforcement capacity. In one country, for instance, UNHCR developed a "security package" to assist the police in maintaining the civilian character of the refugee camps and, generally, to ensure respect for law and order. With respect to security in and around camps in two other countries, special efforts were made to promote the increased participation of refugees in ensuring their own security including the hiring of female refugee guardians. Faced with a large-scale influx, early action by one country to separate combatants from refugees, helped to maintain the civilian nature of camps and to reduce incidents of cross-border attacks, banditry and sexual violence. However, experience in several other countries underlined the importance of monitoring by UNHCR of the process of separation to ensure it was conducted in a humane way with due care for the safety of the refugee population, and avoided stigmatization. In addition, UNHCR has made efforts in a number of countries to relocate refugees away from the border to enhance their security. However, such action was often fraught with difficulties due to a range of circumstances beyond UNHCR's control. Indeed, ensuring the physical safety of refugees remains a major protection challenge, as recent experience has shown. The international community will need to enhance its political and material commitment in this area if the many physical security concerns of refugees are to be addressed effectively.

Protecting women, children and the elderly

15. Women, children, adolescents, and the elderly have been accorded special and priority attention, from a protection perspective, to ensure that their needs are mainstreamed in the planning and implementation of UNHCR operations. A particular means of enhancing the protection of refugee women has been to encourage their active participation in the design and implementation of programmes, for instance, by ensuring their representation in committees for the distribution of relief items or for social services. In one country, elected refugee counselling boards, which include female members, have been established to resolve disputes, including domestic and marital disputes, which cannot be handled at the family or local community

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[3] See *Note on the Security and Civilian and Humanitarian Character of Refugee Camps and Settlements* (EC/49/SC/INF.2), presented to the Standing Committee's 14th meeting.

levels. UNHCR has strengthened their skills through training, including training on gender equality. Women's centres have also been established in refugee camps in a number of countries. Group sessions in these centres made women aware of their rights and encouraged them to take a more active role in the delivery of protection and assistance. These rights-awareness initiatives were complemented by cross-sectoral teams involving UNHCR, its operational partners and government officials specifically to address the protection risks of refugee women in camp settings.

16. UNHCR also funded lawyers' networks and legal clinics in several countries to provide legal assistance, social counselling and advice to asylum-seekers and refugees, targeting refugee women. Another interesting model is the Afghan Gender Equity Programme, framed to address protection considerations within an inter-agency framework both in host countries and in the country of origin, in order to give coherence to a broader international strategy. Its objective is to support Afghan refugees and returnees, giving particular attention to the protection needs and aspirations of women through community-based initiatives.

17. The physical security of women, particularly their protection from sexual violence and other forms of gender-based abuse, remains an important concern in many refugee situations. In an effort to combat violence against refugee women in Africa, UNHCR undertook five pilot projects aimed at raising awareness of the problem among refugee communities, and at addressing specific gender-based protection problems of refugee women. Training law enforcement officials and organizing women's support groups were also included in the projects. While there has been some progress, important lessons now need to be drawn through the evaluation of these projects. In some operations measures have also been taken to protect women against harmful traditional practices, including female genital mutilation, ranging from sensitization sessions with traditional midwives to more comprehensive programmes involving training, capacity-building and advocacy through information, education and communication.

18. Addressing the protection needs of refugee children also remains a key priority for UNHCR.[4] As a result of follow-up activities to implement the United Nations Study on the Impact of Armed Conflict on Children (the Machel study), special efforts were made to focus on the plight of unaccompanied and separated children. Significant results were achieved in the Great Lakes region of Africa between 1994 and 1999, where close inter-agency collaboration involving UNHCR and the ICRC ensured the successful reunification of some 62,000 Rwandan unaccompanied and separated children. In 1999, UNHCR and Save the Children implemented a project seeking to ensure respect for the rights and best interests of separated children and adolescents arriving in Europe. This project has combined advocacy, training and public awareness activities. In collaboration with Save the Children, UNHCR has also developed and is implementing the Action for the Rights of the Children (ARC) project, a capacity-building and training initiative for staff of UNHCR and government and NGO partners. Another inter-agency effort, including UNHCR, seeks to develop capacities for a coordinated response in emergencies to address, *inter alia*, problems of separation. One interesting

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[4] See *Progress Report on Refugee Children and Adolescents* (EC/50/SC/CRP.7), presented to the Standing Committee's 17th meeting.

model of joint efforts in this area is a project for separated refugee children in Guinea. In collaboration with the authorities, UNHCR and one of its operational partners are seeking durable solutions for these children through a tracing and family reunification programme. In cases where, despite best efforts, tracing is not successful and family reunification is not possible, the operational partner will work together with an international human rights NGO and its national Guinean partner to explore legislative options for local integration. Another key protection concern is access to education. Initiatives were implemented to provide refugee children with primary education and, where necessary, psychosocial support, including through play therapy programmes. In a number of countries, UNHCR successfully intervened to ensure access to education, for instance, by providing limited financial funding. Whenever possible, projects targeting refugee children, such as the Peace Education Initiative, have been streamlined into existing programmes.

19. The commemoration of 1999 as the International Year of Older Persons provided UNHCR with an opportunity to examine new approaches to meet the various protection needs of elderly refugees. In one region, UNHCR identified and addressed special protection problems of older refugees related to their pension rights. In several regions, UNHCR has also supported the work of the elderly in peace-building initiatives. In the context of the Policy on Older Refugees,[5] UNHCR is developing operational guidelines to address protection as well as assistance needs of older persons of concern to UNHCR, in a gender-sensitive manner to ensure equality of access to services and facilities. Emphasis in protecting and assisting elderly refugees will focus on the role of family units in addressing their specific needs.

Promoting national legislation and asylum procedures

20. The adoption of national refugee legislation remains key to strengthening asylum and rendering protection effective. UNHCR's involvement in this area stems from its international protection function, and especially from its supervisory responsibility.[6] Governments have regularly solicited and UNHCR regularly has provided comments on draft refugee legislation, related administrative decrees, and other legislation affecting the situation of refugees or asylum-seekers in a number of countries. The aim of UNHCR's intervention has been to ensure consistency with international refugee law and standards.

21. More specifically, in Central and Eastern Europe, in Central Asia and in many parts of Africa and Latin America, UNHCR assisted States in their efforts to establish national procedures to handle refugee and asylum issues. The assistance included training of government officials (an estimated 1,000 training events globally in the past year); support for the establishment of registration systems; and, in some countries, limited but targeted financial

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[5]See UNHCR's Policy on Older Refugees (EC/50/SC/CRP.8, Annex II) as endorsed at the Standing Committee's 17th meeting.

[6]This responsibility is contained in paragraph 8 of UNHCR's Statute. The right and duty on the part of UNHCR to monitor and to intervene corresponds to States' treaty obligations in this area, as foreseen by Articles 35 and 36 of the 1951 Convention relating to the Status of Refugees, Article II of the 1967 Protocol and Article VIII of the OAU Refugee Convention.

and material support, including office equipment and repair of basic infrastructure. To promote best practice, UNHCR organized visits by government officials to countries with asylum procedures that are more developed than in their own countries. The impact was highly positive: several countries subsequently adopted equitable laws or improved their management of protection structures. In many parts of the world, however, national laws and structures for providing asylum and refugee protection are still lacking. An important activity for UNHCR has therefore been the promotion and advocacy of basic legal frameworks for refugees. This advocacy work has often included sensitizing the judiciary, members of the bar, eminent persons, parliamentarians and members of the security and border forces. An interesting strategy in one region has been to engage eminent personalities from civil society to promote a model national law, in an effort to harmonize regional practices.

22. An important focus of promotional activities has been in the non-governmental sector. In Central Asia and Central and Eastern Europe, UNHCR helped to develop the capacity of local agencies to provide counselling and assistance to asylum-seekers and refugees. In Kyrgyzstan, for instance, the Office supported the Young Lawyers' Association in their legal representation and counselling activities for refugees and stateless persons by providing modest operational, material, and training support.

23. In Europe, the Phare Horizontal Programme on Asylum, represents a novel approach to strengthening asylum. Financed by the European Commission, it involves a partnership between seven European Union member States, the European Commission and ten Central European and Baltic States, as well as UNHCR. Over a period of two years, the programme supports these States in developing asylum systems that are fully compatible with international and regional refugee law standards. Based on an analysis of the current state of the asylum systems in each country, a National Action Plan is established and sets out the necessary legislative revisions, changes of practice, institutional improvements needed, as well as any donor support required to set in train these changes. UNHCR has actively participated in the management of this programme, designing and participating in roundtables on the international legal framework involving Associated States of the European Union.

Participating in national refugee status determination procedures

24. Continued involvement in national refugee status determination procedures has enabled UNHCR to monitor the implementation of the 1951 Convention and 1967 Protocol. In most States, UNHCR played an advisory role in the procedures. UNHCR was notified of asylum applications, guaranteed access to files and decisions, and was entitled to submit its observations. In some countries UNHCR was part of the appeals body reviewing negative asylum decisions. In several countries UNHCR was more substantially involved in special procedures at the airport, or in expulsion and deportation procedures affecting recognized refugees.

Undertaking determination of refugee status

25. When a State is not a party to international refugee instruments (or has maintained the geographical limitation), or has not established the

relevant procedures, UNHCR carried out refugee status determination under its mandate. This is a critical first step in meeting the protection needs of individuals requiring international protection. However, UNHCR's ability to ensure the protection of and solutions for those persons recognized as refugees under its mandate has to depend on the commitment of States, particularly the host States. Examples of this cooperation were reported in a few countries where UNHCR refugee certificates were endorsed by the local authorities, thus regularizing the stay of certain refugee groups. At Headquarters, UNHCR has established a project to strengthen the capacity of its field offices to conduct refugee status determination in a consistent and harmonized manner, and to assist their government counterparts with this procedure. To clear backlogs of cases awaiting refugee status determination, additional protection staff were deployed to strengthen UNHCR offices in four countries. Standard tools, procedures, guidelines and training modules are also being developed to improve and accelerate refugee status determination under UNHCR's mandate.

26. In one country UNHCR set up joint screening procedures with the authorities to identify refugees, so that those not found to be in need of international protection could repatriate to their country of origin. In another country joint screening procedures were undertaken to establish the continued need for protection of some individual refugees after a declaration of cessation of status. In both cases, UNHCR's aim was to ensure respect for the principles of *non-refoulement* and voluntary repatriation.

Providing advice and developing jurisprudence

27. UNHCR has advised authorities, courts and other bodies around the world on protection policy issues, as well as on the interpretation and practical application of the provisions of the international refugee instruments.[7] In the course of last year, UNHCR issued detailed general guidelines on a number of protection issues, including detention, relocation and cessation of refugee status. UNHCR continued to promote gender-sensitive asylum policies, notably during refugee status determination procedures, and prepared a checklist on the issue. Positive developments in this area include the recent adoption by some States of clear protection guidelines, including an interpretation of gender-related claims within the 1951 Convention definition.

28. Operation-specific protection guidance was also provided, for instance in the context of East Timor and Kosovo. To facilitate the efforts of States to provide protection in mass influx situations, UNHCR provided guidance on the eligibility of certain groups of refugees.[8] In Europe, UNHCR organized a series of seminars on eligibility questions for representatives of decision-making bodies and NGOs. The Office also responded to requests for country of origin information and advised on the 'returnability' of certain groups to

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[7]The issuance by UNHCR of a Handbook relating to procedures and criteria for determining refugee status and the dissemination (requested by States) of significant decisions on the determination of refugee status are important aspects of UNHCR's harmonizing role.

[8]UNHCR recently issued eligibility guidelines on asylum-seekers from Bosnia and Herzegovina, the Federal Republic of Yugoslavia, and from Chechnya (Russian Federation).

their country of origin. UNHCR declared a general cessation of refugee status in respect of pre-1991 Ethiopian refugees in Sudan.

29. In addition, UNHCR was involved in precedent-setting cases before courts, which resulted in positive developments. In one country the scope of protection has been widened through a liberal interpretation of membership of a particular social group to include persecution on the basis of sexual orientation. In another country the court overturned previous practice by ruling that persons persecuted by non-State agents were within the ambit of the 1951 Convention.

Staff development

30. As part of intensified efforts to enhance their competence, 528 staff members received protection training, which included refugee status determination, and protection of refugee women and children. Another 173 staff benefitted from protection briefings at Headquarters. UNHCR is currently developing a comprehensive protection learning programme, which aims at providing staff members with the necessary knowledge, skills and attitudes. Also, in the context of increased integration of protection into all components of field operations, UNHCR is in the process of developing a standardized list of sample goals, objectives, indicators, and activities to assist protection staff in the field in both planning for protection and monitoring progress. This tool should help create a shared vision, encourage consistency and ensure a focus on the common goal of improving access to protection of persons of concern.

III. REVITALIZING THE PROTECTION SYSTEM

A. Background

31. The international system has been in a state of significant transformation since the end of the Cold War. There was hope that these changes would result in the strengthening of international law and multilateral approaches to address international problems. Developments have not, however, fully realized this hope. Concerns over irregular migration, trafficking, abuse of asylum procedures, and the difficulties in dealing with rejected cases have led a number of States either to redefine the legal framework offering refugee protection and to bring migration control concepts to the fore, or to de-emphasise the role of a structured international legal framework and rely increasingly on discretionary forms of protection. Some States in a number of regions have preferred to resort to ad hoc arrangements to address specific refugee situations. Advancing protection standards in such a context has posed challenges for UNHCR, but has also offered opportunities for revitalizing the protection system.

32. The international refugee protection regime is a dynamic body of universal and regional refugee law and standards, founded on the 1951 Convention and the 1967 Protocol, and complemented by international human rights and humanitarian law instruments, as well as national legislation and jurisprudence. Over the past decades it has constantly evolved to meet new challenges, and in that process, proven not only its relevance but also its resilience. Exploiting these features, UNHCR has sought in recent years to promote a more flexible, yet principled, application of existing instruments,

while working closely with States to develop progressively new approaches to refugee protection in the light of existing gaps and changing needs.

B. Promoting existing international refugee law and standards

33. The 1951 Convention, complemented by the 1967 Protocol, forms a central part of the international protection regime. The 1951 Convention is a multilateral instrument of general and universal application, creating a special international legal regime for persons in need of international protection. For almost fifty years, the international refugee instruments have proven sufficiently flexible to respond to varied and changing circumstances. The fact that 139 States are now party to one or both of the universal refugee instruments is indicative of their continued importance. UNHCR's two-year global campaign to promote accession to international refugee instruments helped UNHCR offices in the field to focus on the reasons behind non-accession and to develop strategies to overcome the constraints. During the reporting period, Swaziland acceded to the 1951 Convention, while Georgia and Mexico acceded to both the 1951 Convention and the 1967 Protocol. The accession of several other countries to these instruments also seemed imminent.

34. Promotional activities undertaken by UNHCR have sought both to foster the effective implementation of international legal standards, incorporating these standards into national legislation and administrative procedures, and to gain public support by strengthening knowledge and understanding of refugee protection issues. Activities have included sharing documentation on protection principles and refugee law (often translated into the local languages); training of government officials, judges, prosecutors, peacekeeping forces, NGOs and journalists; and organizing or participating in seminars, symposia, round tables and conferences on refugee and related issues, often in close collaboration with other institutions, such as the International Institute of Humanitarian Law. One example has been the UNHCR-sponsored Regional Summer Course on International Law and Human Rights in Central Asia, held annually in Bishkek for participants from Central Asian countries. Some former participants are now working in areas directly connected with refugees or human rights in local NGOs, government structures or international organizations. Public awareness campaigns focussing on protection and endeavours to create an environment favourable to refugees and asylum-seekers were also actively encouraged, such as those organized jointly by the European Union and UNHCR in all member States of the European Union to counter xenophobia and intolerance against refugees. Similar campaigns are now underway in countries in Southern Africa, notably a "roll-back xenophobia" campaign, which has sought to address xenophobia by forging strong partnerships with local institutions and framing the protection of asylum-seekers and refugees in the broader context of human rights and national constitutional guarantees.

C. Exploring new approaches to refugee protection

35. In its ongoing dialogue with governments, NGOs and academic institutions UNHCR has sought to gain better understanding of various State interests, and to explore ways in which a strengthened system of international protection for refugees might accommodate them. Addressing the dichotomy between the institutional responsibilities conferred on UNHCR, and

the tendency of States to accept more limited obligations has been a major challenge. In addition, there are diverging views on the interpretation of the refugee definition criteria. While a more flexible application of existing instruments may serve to bridge many perceived gaps in the protection system, UNHCR recognizes that it would not close them all. The 1951 Convention does not contain detailed provisions in a number of areas, such as procedural requirements, voluntary repatriation, family reunification, the special needs of refugee women and children, responsibility-sharing, or the mechanics of international cooperation. UNHCR has worked with States, notably through the Executive Committee, to address these issues and to promote the progressive development of international law and standards in these areas. Several years ago UNHCR instituted a process of consultations on measures to ensure international protection to all those who need it, with a view to exploring the development of guiding principles. These so-called "gap consultations" are being revived so that further progress can be made on basic understandings that were reached, for example, on the scope of protection in mass influx situations.

36. Regular consultations with States have resulted in the development of temporary protection as a practical tool to respond to sudden mass influx situations that could overwhelm existing asylum procedures. The response to the population displacements in south-eastern Europe is one such example where temporary protection has proven to be a useful tool to ensure admission. Further work on this concept will take place *inter alia* within the European Union harmonization process to which UNHCR makes an active contribution, as described in more detail in a subsequent sub-section. UNHCR has also developed its position on complementary forms of protection,[9] welcoming these mechanisms as pragmatic responses to certain international protection needs, and proposing their harmonization consistent with international refugee law and standards.

37. The dialogue on new approaches has also included a wide variety of subjects in the context of broader international migration issues, including interception measures and problems concerning the return of persons not in need of international protection, which impinge on the effective protection of asylum-seekers and refugees. UNHCR has advocated the effective management of refugee and migratory movements in a comprehensive way that upholds protection principles, while addressing national interests on migration issues. In support of efforts by States to address displacement in this comprehensive manner, UNHCR has actively participated in the work of the High Level Working Group on Asylum and Migration of the European Union since the beginning of 1999. This body was established in December 1998 to develop comprehensive plans of action relating to countries of origin of significant numbers of asylum-seekers arriving in Europe. UNHCR provides relevant background briefing and information on these countries and on relevant protection standards in order to facilitate the adoption of multi-faceted and integrated policies on displacement, which preserve distinct approaches to asylum and migration and ensure continued admission of asylum-seekers in European Union member states. The issue of interception is the subject of a

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[9] See *Note on Complementary Forms of Protection* (EC/50/SC/CRP.18), presented to the Standing Committee's 18th meeting.

separate Note[10] presented to the Standing Committee. In a related context, UNHCR has been actively involved in the drafting process for two Draft Protocols against smuggling of migrants and trafficking of persons, supplementing the United Nations Convention against Transnational Organized Crime, with a view to ensuring that their texts do not prejudice the international refugee law obligations. The return of persons not in need of international protection has been recognized by UNHCR as crucial for maintaining the credibility of the asylum-system. States have asked UNHCR to play an appropriate and supportive role in line with its humanitarian mandate in this area. In some cases, UNHCR was involved in monitoring the treatment of such persons upon return. In the case of unaccompanied minors whose asylum applications have been rejected, the Separated Children in Europe Programme, jointly implemented by UNHCR with International Save the Children Alliance, offers possibilities for family tracing and return for reunification purposes.

D. Linking up with international human rights law and international humanitarian law

38. Recognizing the broader dimensions of refugee protection beyond the context of refugee law, UNHCR has continued to strengthen linkages between refugee law, human rights law and international humanitarian law, so that they can be better used for the protection of refugees and other persons of concern to UNHCR. The Office has done so by following closely the work of the Commission on Human Rights, its Sub-Commission and the various experts and groups reporting to it, as well as of the six human rights treaty monitoring bodies. UNHCR has also strengthened collaboration with regional bodies such as the European Court of Human Rights, the Organization for Security and Cooperation in Europe (OSCE), the Organization of African Unity (OAU), and the Asian-African Legal Consultative Committee (AALCC) to reinforce their understanding of refugee protection. Joint promotional activities have been undertaken, as outlined below, to raise awareness and illustrate the strong inter-linkages between legal regimes. In the case of the OSCE, this collaboration has entailed joint efforts aimed at monitoring, reporting and intervening in respect of returnees and minority groups in south-eastern Europe. For the first time, the European Court of Human Rights invited UNHCR in 1999 to submit a written intervention in relation to an application submitted by an asylum-seeker. In addition, UNHCR has promoted the inclusion of provisions favourable to refugees in human rights instruments, most recently in the context of the Draft Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

E. Promoting harmonized regional approaches

39. Harmonized regional protection approaches are an important means of strengthening the international refugee protection regime. UNHCR's active participation in the design of these regional approaches has sought to guarantee consistency with universal standards and to ensure burden sharing and international solidarity, while responding to specific regional concerns.

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[10]See *Note on Interception of Asylum-Seekers and Refugee* (EC/50/SC/CRP.17) presented to the Standing Committee's 18th meeting.

Africa

40. The emergence of new refugee problems in Africa in the sixties inspired not only the 1967 Protocol but also the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The OAU Convention is so far the only legally binding regional refugee instrument complementary to the 1951 Convention, and the strongest example of a regional harmonization endeavour consistent with the universal refugee instrument. In March 2000, a special OAU/UNHCR meeting was held in Conakry to commemorate the 30th anniversary of the OAU Convention. This meeting of experts adopted a comprehensive implementation plan, which included detailed proposals for action ranging from accession to international instruments and their effective implementation, training and promotional activities, to institutional arrangements for follow-up by UNHCR, as well as by the OAU. In addition, UNHCR has increased its efforts to inject international refugee protection considerations into the structures of sub-regional organizations, such as the Economic Community of West African States (ECOWAS), the Intergovernmental Authority on Development (IGAD), and Southern African Development Community (SADC).

Latin America

41. The 1984 Cartagena Declaration on Refugees, reinforced by the 1994 San Jose Declaration on Refugees and Displaced Persons, is a key regional instrument, of which the provisions have been reflected in the national legislation of many of the States concerned. It constitutes another model of a harmonized approach, which has provided useful guidance for State practice and helped address problems of forced displacement in the region. With this in mind, UNHCR has developed a comprehensive regional strategy, aimed at consolidating local and regional asylum structures and ensuring that the specific needs of refugees and asylum-seekers continue to be addressed in the context of human rights and migration policies. A key aspect of this comprehensive approach has been the building of national "protection networks" in civil societies.

Europe

42. In the context of the European Union harmonization process, the Amsterdam Treaty of the European Union which came into force on 1 May 1999, specifies that asylum law and policy should be harmonized and brought into binding European law within five years from that date. In a welcome development, the Presidency Conclusions of the European Council held in Tampere, Finland, in October 1999 set a positive tone for the development of a European asylum system by recognizing the primacy of the 1951 Convention, including its full and inclusive application. The declared intention is to move beyond minimum levels of harmonization and to aim for a common system both in terms of asylum procedures and, eventually, a uniform refugee status. European States have played an important role in crafting the international refugee protection regime, which places a special duty on these States to harmonize substantive and procedural aspects of asylum law and policies in a manner that enhances, not reduces refugee protection globally. In line with a Declaration to the Final Act of the Treaty of Amsterdam relating to consultations with UNHCR, the Office actively contributes to the harmonization process by providing detailed policy and legal opinions on the

various draft texts, as well as by preparing substantive background documentation both on State practice and on relevant international refugee law standards.

43. Elsewhere in Europe, the Council of Europe has been the main actor coordinating regional cooperation on asylum and refugee matters, in active cooperation with UNHCR. Both organizations have undertaken a number of joint activities relating to refugee law and nationality issues, including a Colloquy on the European Human Rights Convention in May 2000. Apart from its active participation in committees relating to nationality matters, UNHCR has also regularly attended the Ad Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless Persons, and contributed to the drafting of recommendations on asylum and refugee policies in Europe, including temporary protection.

IV. DURABLE SOLUTIONS FROM A PROTECTION PERSPECTIVE AND IN-COUNTRY PROTECTION ACTIVITIES

44. The ultimate goal of international protection must be to achieve a satisfactory solution for the refugee. If the preferred solution of voluntary repatriation is not feasible, the other durable solutions of local integration or resettlement should be pursued.[11] UNHCR is only one of several actors in the process leading to lasting solutions to problems of forced displacement. As part of its strategy to pursue comprehensive solutions to refugee problems, UNHCR has increasingly become involved with in-country protection activities on behalf of internally displaced persons in selected locations. The following paragraphs describe in more detail the role of protection in relation to these three solutions, as well as in the context of in-country protection activities and with regard to situations of statelessness.

A. Voluntary repatriation

Background

45. The search for solutions has generally required UNHCR to promote, with governments and with other international bodies, measures to establish conditions that would permit refugees to return safely to their homes and to make a free and informed choice. This has entailed the identification of a number of actions required to ensure sustainable return, based on a thorough knowledge of the communities, their leaders, political processes underlying eventual movements and the legal and administrative obstacles that hinder their return. Creating actual conditions for return, however, remains fundamentally a political process going well beyond the capabilities of UNHCR. Return has been used in certain countries as the sole vehicle to achieve ethnic integration, promote multi-ethnicity and eventually reconciliation, but in the highly politicized context in which it often occurs, caution must be exercised to ensure that proper protection standards are respected. Equally, premature return has occurred in a number of situations as a result of asylum fatigue. Return is seen by UNHCR as one of the means through which the restoration of national protection may be ensured

[11] See also paragraph 12 of A/AC.96/830 and paragraph 6 of A/AC.96/750.

in a way that international protection ceases to be necessary. This is the standard against which the prospects for return must be measured.

46. Over the past year UNHCR has played a leading role in facilitating and coordinating voluntary repatriation, including through support for national protection and the provision of assistance to returnees during the process of reintegration and rehabilitation in a number of places, such as Afghanistan, Cambodia, East Timor, south-eastern Europe, Liberia and Somalia. In one region, five years after a major Peace Accord, a more favourable climate now prevails for achieving durable solutions for the many displaced by the conflicts there. However, the continuing inter-ethnic divide in some areas has also led to fresh displacements. In another region, large numbers of refugees have returned home under difficult circumstances that have included intimidation and coercion. Secure and unhindered access by UNHCR to refugees in the country of asylum has been a major challenge in this situation.

47. In almost all of these situations, return has often taken place in less than ideal circumstances. While UNHCR has continued to support spontaneous return movements, sustainable solutions with adequate guarantees of protection will only become a reality if the international community is prepared to commit itself to a substantive and prolonged engagement to reinforce local efforts. Ensuring respect for human rights, rebuilding the infrastructure, restoring normal economic, social and political life, rehabilitating the judicial system and bringing long-term stability are daunting tasks. The selective and disparate attention of the international community to post-conflict situations needs to give way to a more even-handed response to calls for support in other compelling situations.

48. Against this background, the following paragraphs briefly describe UNHCR's standard practice and main activities in these and other voluntary repatriation operations from a protection perspective.

Concluding voluntary repatriation agreements

49. The conclusion of agreements on voluntary repatriation between UNHCR and States concerned has been an important precursor to most organized voluntary repatriation operations. Apart from reinforcing the voluntary character of repatriation, these agreements translate the respect for the right to return into operational modalities that ensure respect for minimum protection standards for return. They cover arrangements for assessment visits, UNHCR's monitoring role, international access, the reintegration process (including amnesties, exemptions from military service and the recognition of civil status) and confidence-building initiatives, especially at the early stage. Most recently, the signing of a Tripartite Agreement between Eritrea, Sudan and UNHCR in April 2000 paved the way for the voluntary repatriation of some 140,000 Eritrean refugees, who had been in exile for a prolonged period. The agreement sets out the legal framework for the return and reintegration of one of Africa's oldest refugee caseloads. Recent events in the sub-region have led, however, to a temporary postponement of the organized repatriation.

Monitoring the treatment of returnees

50. The monitoring of returnees often occurs in cooperation with other actors. Examples of innovative monitoring arrangements are found in Bosnia and Herzegovina, where UNHCR established an inter-agency framework on returnee monitoring and conducted several detailed returnee assessment studies. In Afghanistan and elsewhere, a strategy for returnee monitoring and an interview form specifically tailored to the various contexts have been developed. In these countries, UNHCR has systematically monitored the situation of returnees by conducting individual interviews with returnee families. These and other returnee monitoring operations have been designed to obtain accurate and up-to-date information on the situation in the country of origin to enable prospective returnees to make a free and informed choice; monitor the consequences of return and, where necessary, intervene with the authorities on behalf of returnees; improve conditions so that they will be conducive to return; and ensure the sustainability of repatriation by designing appropriate reintegration schemes. To strengthen its own effectiveness, UNHCR recently issued guidelines on returnee monitoring to its field staff, including sample questionnaires. A total of five workshops on returnee monitoring were organized in 1999 in different geographic regions, bringing UNHCR staff and operational partners together in this process.

Presence in the country of origin

51. A substantial and engaged field presence in the country of origin has served as an important protection function in repatriation operations. UNHCR's fieldwork has variously entailed the following: assessing the needs of communities; identifying a range of actions required at the regional, national and local levels to enable sustainable solutions; identifying patterns of return; facilitating dialogue between community leaders and local authorities; organizing assessment visits; designing innovative confidence-building measures (bus lines, women's initiatives, legal aid centres, awareness and capacity-building); negotiating with local authorities in order to create a more favourable climate for return; fostering ties between communities; and intervening in favour of a legal, administrative and social framework conducive to return. In some instances, continuous international presence has prevented the occurrence of security incidents directed against returnees, or at least enabled an appropriately documented follow up with the authorities and provided tremendous psychological support for vulnerable returnees in isolated areas.

52. A necessary precondition for the effective delivery of protection in such circumstances is the ability of UNHCR staff and of other humanitarian agencies to carry out their work in conditions of safety. The situations in Chechnya (Russian Federation) and West Timor are two recent examples where humanitarian staff have been exposed to high security risks. Dedicated measures by States and all concerned parties to safeguard the physical security of UNHCR staff and other humanitarian personnel remain an absolute necessity. In this context, States should consider expanding the application of the Convention on the Safety of United Nations and Associated Personnel to cover humanitarian personnel in all situations where their presence is required.

Assisting returnees, and in particular women and children

53. In addressing protection needs of returnee women, including their right to participate in public life, projects within the framework of the Bosnian Women's Initiative have played a pioneering role. These projects were among the first to break inter-ethnic barriers in Bosnia and Herzegovina. Nearly all of these projects set up women's teams of mixed ethnic background and many of them supported the return and reintegration process by closely monitoring their return. In Kosovo, many of the projects for women implemented so far address the special needs of women who survived sexual violence. Other projects increase the capacity to promote women's human rights in the areas of property, custody, right to education, etc. Projects focussing on income-generating activities have led to increased self-reliance among single headed households, allowing these families to remain in their present localities. In Afghanistan, in order to advance the women's right to education, UNHCR, in collaboration with UNESCO, NGOs and the local authorities, has initiated "home-based" schools. There are 13 such schools in Kandahar staffed with 35 female teachers.

54. Consistent with its particular protection focus on returnee children's needs, in Afghanistan, UNHCR funds a project for street children. The project comprises pre-school and hygiene education, and includes skills training. In an attempt to strengthen the availability of formal or informal education in Afghanistan, UNHCR's programme has also included the provision of textbooks and other school material for children, rehabilitation of schools and training of teachers. In some countries, UNHCR, in cooperation with UNICEF and other agencies, has also been actively involved in rehabilitation and social reintegration programmes for returnee children. A prominent example in this regard is the ongoing Liberian Children's Initiative, which, starting in 1998, has addressed specifically the special needs of returnee children, *inter alia*, by facilitating access to education and training, and by supporting the functioning of the juvenile justice system.

55. In countries where legal systems need to be revived, or where traditional legal structures are ineffective or inaccessible to returnees, UNHCR has often participated in major legal reform projects to identify and work towards removing legal and administrative barriers to return. A prominent example of such legal reform is the case in Bosnia and Herzegovina, where, in close cooperation with other organizations, UNHCR has successfully provided expert advice and technical support for the drafting of legislation related to property, displacement, citizenship, documentation and return. In Central America, UNHCR promoted legal reforms to enable women to exercise property rights. Other examples include UNHCR support to the judicial system and training programmes with NGOs for women on issues relating to property and succession rights in Rwanda. In Tajikistan, a judicial assistance programme has been implemented, involving modest material support for building an independent judiciary and legal system. This included the establishment of a panel of experienced judges to train their colleagues, low-cost publication of relevant laws and provision of legal textbooks for government departments, judges, prosecutors and the national library.

56. A further illustrative example, which also shows how an assistance project can be harnessed for protection purposes, is a demining project in

Cambodia. In the absence of an effective property law framework, availability of and legal entitlement to land remains one of the principal protection issues for returnees and the internally displaced. To address some of these problems, UNHCR has devised a project whereby the demining agencies and the local authorities would essentially issue documentation in respect of the sites under consideration, confirming that the land in question would be employed exclusively for the reintegration of returnees. In the absence of official surveys or land titles, these certificates constitute the only documentation containing the location of demined land and the recognition of the rights of the returnees to it. Originals of these documents are entrusted to the beneficiaries themselves and the local authorities for record keeping.

B. Local integration

57. In protracted refugee situations, return home may not be a viable option in the foreseeable future. While UNHCR has continued efforts to promote return opportunities for those wishing to return in such situations, the Office has also promoted other solutions for those, who, for valid protection reasons, including severe trauma, or because of long-term stay in host countries, are unable or unwilling to return. In a positive development, several countries in Africa and Latin America have announced during the reporting period that they would locally integrate the residual caseloads of refugees with UNHCR's support. UNHCR's activities in the area of local integration have included advocacy for the granting of permanent stay, as well as small-scale integration assistance, such as housing and employment packages.

C. Resettlement

58. Apart from being a protection tool, resettlement has increasingly become an instrument of responsibility-sharing and a durable solution in specific circumstances. The traditional resettlement countries continue each year to provide international resettlement opportunities to some 30,000 UNHCR-referred refugees throughout the world, particularly in the Middle East and, increasingly, in Africa. In a welcome development over recent years, Argentina, Benin, Brazil, Burkina Faso, Chile, Iceland, Ireland and Spain joined the list of countries willing to provide resettlement opportunities both as a protection tool and a durable solution. Countries, willing to accept refugees for resettlement in a spirit of responsibility-sharing, have made an important contribution to strengthening first asylum and resolving long-standing refugee problems in a growing number of situations.

59. Internally, UNHCR has continued to review its resettlement policies, criteria, procedures, implementation capacities and cooperation arrangements, in close consultation with resettlement countries and NGOs. This has already resulted in a more systematic and proactive case identification, which has enabled a stronger protection orientation and a wider coverage of resettlement needs all over the world. The criteria and procedures for resettlement are outlined in the *UNHCR Resettlement Handbook*, which is frequently updated. In 1999, the development of two new resettlement training modules and the organization of ten resettlement training seminars around the world, targeting UNHCR staff and operational partners, ensured a

wider dissemination of policies and contributed to a consistent application of standards.

60. In addition, the implementation of resettlement programmes, appropriately built into regional strategies, has had the effect of enhancing protection in certain regions. For instance, the UNHCR Middle East Resettlement Project developed a more comprehensive and consistent approach to resettlement from the Middle East. A project with similar objectives has been initiated for Eastern Europe. UNHCR has also taken care to pay particular attention to the resettlement of individual refugees with special protection needs, including women-at-risk, minors, elderly refugees and survivors of torture. In Pakistan, for instance, UNHCR is in the process of developing an NGO resettlement referral system to identify better refugees with special needs. In close collaboration with resettlement countries and NGOs, UNHCR has also embarked on a process which will lead to the convening of a major International Conference on the Reception and Integration of Resettled Refugees next year.

D. Internally displaced persons[12]

61. Other UNHCR in-country protection activities, while conceptually different from international refugee protection, are usually related to situations where there is a strong linkage with refugee outflows or to refugee return. Such UNHCR engagement is carried out with the consent of the national authorities, which have the responsibility of protecting all citizens, and in recognition of the similar and often indistinguishable protection needs of refugees or returnees and internally displaced persons, as well as of the protection role that UNHCR might play for both. It has also the advantage of making UNHCR a more credible and informed partner for States granting asylum and placing the Office in a better position to prepare for eventual return in case the circumstances generating the outflow change.

62. In one country in Latin America, for instance, while contributing to a collaborative United Nations approach to the problem of internal displacement, UNHCR has also sought to ensure the upholding of asylum principles in neighbouring countries. In another country in Asia, UNHCR's involvement with the internally displaced originated from its role of facilitating the voluntary repatriation of refugees. In this case, UNHCR has sought to minimize the impact of internal displacement through its active field presence and support in areas of relative safety, dialogue with the parties to the conflict, monitoring of the situation of internally displaced and by exploring possibilities for safe return. In another country in Europe, the delivery of emergency relief by UNHCR to displaced persons fleeing armed conflict has taken place in a highly complex political and security context. UNHCR, through its field presence, has been able to identify and work on a number of protection issues confronting the internally displaced, such as severe trauma, lack of documentation and access to basic services. Creating safety outside the area of conflict, essentially by supporting host communities, providing psychosocial counselling, mine awareness training and working actively with the authorities to improve the

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[12]See also UNHCR's policy paper on *Internally Displaced Persons: The Role of the United Nations High Commissioner for Refugees* (EC/50/SC/INF.2), which was issued in March 2000 and presented to the Standing Committee's 18th meeting.

legal status of the internally displaced so that they have better access to services, have been part of UNHCR's response in this situation. In developing its protection strategies for the internally displaced, UNHCR has drawn heavily on its experience with returnees.

63. An interesting example of proactive UNHCR engagement with internally displaced persons, including even persons at risk of displacement, over the past year is UNHCR's operation in Kosovo. UNHCR's involvement in this situation has been linked to the return process and to its specific role in relation to internally displaced persons in the former Yugoslavia.[13] The various activities carried out in this situation, particularly in relation to minority groups, provides an interesting model of UNHCR in-country protection activities. They have taken place within an inter-agency framework that has managed to maximize the capabilities of the international community in a coordinated manner. To ensure respect for the rights of minority groups, UNHCR has been at the forefront of designing creative methods for increasing security, such as the installation of a hotline between lead agencies and the security apparatus. A special humanitarian distribution network for needy minority groups, often displaced, including interim systems for providing medical care, has been an important element of these activities. Freedom of movement for isolated minority communities has improved with the commencement of bus-shuttle programmes.

E. Stateless persons

64. Statelessness and unclear nationality status have become an important concern in a growing number of regions. Activities to reduce statelessness are an essential means of making protection more effective by instituting national protection where none existed before.[14] Despite limited resources, UNHCR has managed to continue to provide technical and advisory services to States on a number of nationality laws and their implementation. A total of 11 training workshops on statelessness for UNHCR staff, government officials, practitioners and operational partners were also held around the world during the reporting period. Extensive cooperation has been undertaken with other concerned organizations, such as United Nations agencies and regional bodies, especially the Council of Europe. Recently, the Department of International Protection has started debriefing consultations with individual States to review national regimes in light of developments in international law. This is in addition to regular activities towards the acquisition of legal status for stateless persons in their countries of residence. An interesting operational development has been, for instance, the UNHCR-organized campaign in the Crimea in 1999, which facilitated the acquisition of Ukrainian citizenship for those Crimean Tatars seeking to confirm their status. This experience may well serve as a model for other groups. Additionally, for the first time, consultations on statelessness issues took place in the Horn of Africa.

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[13] See also joint UNHCR/OSCE assessment reports on the situation of ethnic minorities in Kosovo.

[14] In relation to statelessness, UNHCR provided a progress report last year which focussed on its activities to assist and protect stateless persons as part of its protection responsibilities (EC/49/SC/CRP.15), presented to the Standing Committee's 15th meeting.

65. The ongoing campaign for accession to the statelessness instruments has also opened a new dialogue with States and paved the way not only for the establishment of a legal framework, but also for consultations on implementation. In an encouraging development, Chad, Latvia, Lithuania, Mexico, St. Vincent and Grenadines, Slovakia and Swaziland acceded to the 1954 Convention relating to the Status of Stateless Persons. This brings the total number of States party to this instrument to 52. With Chad, Slovakia, Swaziland, and Tunisia acceding to the 1961 Convention on the Reduction of Statelessness, 23 countries are at present States parties to this instrument. In view of the growing demands on UNHCR in this area, UNHCR is currently in the process of reviewing its role and activities in relation to statelessness issues. The results of this evaluation will be shared with the Executive Committee in due course. The availability of sufficient resources for this important function remains a matter of concern.

V. PARTNERSHIPS

66. To meet these many challenges, UNHCR has strengthened and broadened its partnerships to work on protection issues with a wide variety of actors, ranging from States, intergovernmental and non-governmental organizations, judges, parliamentarians and journalists, to the military, peacekeeping forces and the corporate sector. Supporting linkages among NGOs, academic and other concerned actors in the north and the south is also an important feature of partnership arrangements for UNHCR. Partnerships underlie all the international protection activities of UNHCR reflected in the preceding paragraphs. The following examples illustrate interesting new models in this area.

67. UNHCR vigorously continues to pursue its efforts to promote collaboration on refugee protection through the "Reach Out" consultative process. Initiated in 1998, this process was broadened over the course of last year to engage a wide range of NGOs and other entities in a series of dialogues on the nature and dimensions of the current protection challenges, where the main problems lie and what States and organizations might do together with UNHCR to ensure improved and sustained support for protection principles. A series of consultations with national NGOs from the Asia/Pacific region and from Africa were held in Bangkok in November 1999, and in Nairobi in April 2000, respectively. Recommendations emerging from these discussions related mainly to the establishment of an improved information-sharing network, UNHCR assistance in developing national legislation that would give NGOs a sound legal basis from which they can operate and more protection training for NGO staff. A *Protection Field Guide for NGOs* was also published in 1999. Plans are now underway to develop a multi-year protection-training programme, on the basis of this Guide, targeting staff of operational partners. A major objective of the Reach Out process has been to encourage collaboration between human rights and humanitarian assistance NGOs to address refugee protection problems in the field, in coordination with UNHCR. The vast field presence of humanitarian NGOs, although more focussed on reconstruction efforts or the delivery of relief items, has proven to be very valuable for monitoring and reporting on protection issues at the community level. The process has also promoted and supported stronger collaboration between national and international NGOs.

68. The Reach Out process also aims at identifying the potential, and developing the ways and means, for cooperation with the multinational corporate sector with regard to the legal and ethical complexities of refugee protection. This process, which is currently underway, has so far focussed on carrying out, in collaboration with other institutions, a mapping exercise correlating major refugee situations and the programmes and activities of the corporate sector worldwide; drawing lessons from the experience of organizations analysing the role of the corporate sector in situations of conflict; preparing protection-related material for the corporate sector working in countries of origin; and identifying a possible network of corporate officers who could serve as focal points for cooperation. This will form the basis for constructive partnerships in this area.

69. UNHCR also worked to strengthen networks of national judges dealing with refugee issues. This endeavour followed clear recognition of the need for strong and supportive judiciaries, both in countries of asylum and countries of origin. At the international level, UNHCR concluded last year a memorandum of understanding with the International Association of Refugee Law Judges (IARLJ), which has served in part as the basis for a series of joint conferences and workshops for national judges in different parts of the world. An immediate and positive consequence of this network is that national judges have taken a number of interesting decisions on refugee issues, advancing international refugee protection. The network has also encouraged the sharing of information and promoted capacity-building among judicial personnel worldwide through research initiatives, publications and training. For instance, in March 2000, the refugee status authority in New Zealand inaugurated the Australasian Chapter of the IARLJ. For similar reasons, UNHCR has strengthened ties with a number of national human rights commissions and ombudsmen.

70. In terms of working in partnership with key local structures, an interesting example is UNHCR's low cost civil society "protection network" in the Caribbean. The network is composed of prominent community leaders affiliated with organizations that are concerned with issues such as human rights, migration and social welfare. UNHCR has appointed these individuals as "honorary liaison" persons whose function it is to monitor the arrival of asylum-seekers, assist refugees to access legal assistance and basic services, and facilitate UNHCR's contacts with the national authorities. In one case, they proved quite instrumental in securing State accession to an international statelessness instrument. Also by way of example, in South Africa, UNHCR supported the establishment of a National Refugee Consortium at the central level and National Refugee Forums at the provincial level. These various bodies bring together the Government of South Africa, the national Human Rights Commission, UNHCR and, above all, civil society institutions especially NGOs. Their responsibilities include influencing policy and legal matters relating to refugees. In the particular case of the Forums, they have responsibility for many aspects of the care of refugees, including social casework. In South-Eastern Europe, a wide network of Legal Aid and Information Centres operated by local and international NGOs has proven very successful. These centres have provided information on access to human rights, essential services and entitlements, and offered legal advice, including legal representation regarding citizenship, property, social welfare, pensions, legal documents and asylum laws. They have also served a monitoring function, supplementing UNHCR's understanding of the situation of

populations of concern to the Office. Mobile legal clinics have provided outreach legal assistance in isolated areas. The centres have been instrumental in assisting vulnerable returnees to regain their employment.

VI. CONCLUDING OBSERVATIONS

71. Honouring the 50th anniversary of UNHCR, this year's Note has focussed on UNHCR's core function of international protection and the measures taken by the Office to make protection effective. UNHCR's protection function covers a whole spectrum of activities, ranging from admission, reception, and treatment of refugees to ensuring protection-oriented solutions and developing new approaches. The strong operational focus of UNHCR's international protection activities, coupled with the fact that UNHCR does not have to be invited to become involved in protection matters, has made UNHCR's mandate distinct, even unique, within the international system. This does not, however, in any way diminish the primary role and responsibilities of States towards refugees, particularly to guarantee their rights, safety and well-being in countries of asylum. International protection ends only with the attainment of a durable solution, ideally through the restoration of protection by the refugee's own country.

72. Providing international protection will remain both a policy and an operational challenge. Faith in fundamental human rights and in the dignity and worth of the human person remains at the heart of international protection. This faith will need to be translated constantly into action in today's rapidly changing international environment. The 50th anniversary of UNHCR's existence this year, and next year's anniversary of the 1951 Convention, provide an important opportunity to take stock of developments to date, to restate and reinforce the commitment to fundamental international protection principles and to look ahead by exploring possibilities to improve and advance the system of protection. UNHCR will continue to provide a forum for multilateral dialogue and consensus building in the area of forced displacement on the basis of international protection principles and with a view to designing practical responses to complex protection issues. Continued State cooperation with UNHCR in matters relating to international protection, including the implementation of international instruments relating to refugees, will remain key to successful accomplishments in this area. UNHCR looks forward to continuing its cooperation with States, international organizations, NGOs and other partners in this important endeavour of making protection effective.